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PROCEEDINGS
IN THE
HOUSE OF COMMONS
ON THE
SLAVE TRADE,
AND
STATE OF THE NEGROES
IN THE
WEST INDIA ISLANDS.
WITH AN APPENDIX.

BY PHILIP FRANCIS, Esq.

House of Commons, May 2, 1792.

RESOLVED, " That from and after the first Day of January, 1796,
" it shall not be lawful to import any African Negroes into any
" British Colonies or Plantations."

LONDON:

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1796.

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May 30, 1796.

It was thought desirable by some persons, who have the Cause of the Negroes seriously at heart, that these proceedings should be speedily published. They have, therefore, been collected hastily, in the midst of many pressing avocations. The substance of what passed is carefully preserved. The form, if that were of any moment, may be mended hereafter.

PROCEEDINGS IN PARLIAMENT,

&c.

HOUSE OF COMMONS.

Monday, April 18, 1791.

IN a Committee of the whole House,

Mr. WILBERFORCE moved, “That the Chairman be instructed to move for leave to bring in a bill to prevent the farther Importation of Slaves into the British Colonies in the West Indies.”

In the course of this debate,

Mr. FRANCIS said, he should have contented himself with giving his vote for the motion, but for some considerations, which were personal to him, and by which he thought himself particularly called upon to deliver his opinion on the present occasion, not implicitly by a vote, but expressly by declaration. He believed he was not very likely to be suspected of receiving, with special favour and partiality, any measure introduced

roduced and recommended from the other side of the House; that, in his own situation in private life, every motive, by which the conduct of men is usually determined, was united on one side, and powerfully pressed upon him, to engage him to take part this night against his opinion. Connections of every sort; friends, who were dear to him, and who thought their fortunes were at stake; solicitations, the most urgent, from persons to whom he was bound by many ties; and possibly the prospect of advantage to himself or to his family, at a future day, to be forfeited or preserved. All these were in one scale, and nothing in the other, but the justice of the cause, and the protection of creatures, who would never know that he had endeavoured to serve them, or whose gratitude could never reach him. That he did not state these circumstances for ostentation, or as a claim to merit, but to fortify his cause, by shewing that his opinion was sincere. Sir, I do not intend to go far into the general subject. If the undisputed state of facts, if the clear and able argument delivered by the honourable gentleman, who takes the lead in this business, has not carried conviction along with it, I must conclude, that truth and reason on this subject have no access to the human mind. Many gentlemen, indeed, have asserted what they have by no means established, and what, upon the whole, I utterly disbelieve, that this trade is *profitable*; but no man has yet had the courage to affirm, or even to insinuate that it is not, *criminal*. The question then is not, whether the trade be criminal, but in what degree? Is it a crime of the highest guilt in morals, or is it in practice capable of palliation? Will it admit of an excuse? No, Sir; I declare upon my honour and my conscience, none. I

pass by the traffic as it is conducted on the coast of Africa, the temptation you give to one human creature to make a property of another, and to sell him to perpetual slavery. I take no notice of the miseries it produces in that country. Remember only that, whatever they are, you are answerable for them all. You create the market, and it is the market that constitutes the demand, and produces the supply. I shall not insist on the horrors of the Middle Passage. You do well to pass over them with disregard. The most determined mind, the most obdurate heart, if it be human, could not listen to the evidence, on that subject, without torture. I take these creatures in that, which is stated to be their best situation ; at their landing in the islands ; at their arrival in the land of promise, where they are instantly to find relief from their sufferings ; where, in return for a moderate degree of labour, a tolerable mode of existence is provided for them. You say you have paid for them ; that they subsist at your expence, and that you have a right to their labour. Be it so. On that principle, let us see how they are treated. In considering the state of slavery in the West Indies, the object, that instantly strikes my mind with a force and conviction, to which the evidence of special facts hardly makes an addition, is the power of corporal punishment, allotted as I find it. I do not ask you to inquire in what manner this power is exercised, but how it is disposed of, and to whom it is trusted, and then to determine what must be the effect of it. They know nothing of the human constitution, who have not observed, that power of every sort, of one man over another, has a natural tendency to deprave and corrupt the mind. The moment I hear of such power, uncontrolled, in any hand, I con-

clude that the depravity is unlimited. The actual exercise of it, in the infliction of punishment, assuredly introduces that worst and most odious of all disorders in the moral system, personal cruelty. The truth of these principles is acknowledged by the spirit and caution of our penal laws in every other instance, by the care they take, in all criminal proceedings, to separate the interest from the judgment, and the judgment from the execution. They will not suffer such characters and powers to be united in one person; nor are they united in any civilized society upon earth, except in our West India islands. What are the usual offences imputed to negroes? In ninety-nine instances out of a hundred, they are either idleness or theft. They do not work hard enough to satisfy the task-master, (and why they should work at all, I know not) or they steal provisions. The thing they can eat is the only thing worth their stealing. Food is the only object of theft, which it is in their power to conceal, or that could possibly do them any service. Consider the risk they run, the horrible punishments they suffer when detected, and then you may conceive in what manner they are fed. But, in the consideration of these offences, who is the offended party?—The negro driver.—Who is the judge of the fact? The driver.—Who awards the punishment? The driver.—Who inflicts it? The driver with his own hand. But how? Captain Giles, of the army, says, that “the punishment by whipping, though with fewer lashes given, is more severe and cruel than that of the army, because of the size of the whip.” Captain Hall, of the navy, says, “that in Barbadoes and the Leeward Islands, the treatment of the negroes on the plantations was inhuman; that the punishments inflicted

" fisted were very shocking to persons not used to see
 " them ; much more so, than on board a man of war.
 " The field slaves he has seen, (a great many) were ge-
 " nerally marked with the whip." This is the *mode* of
 punishment. What is likely to be the degree of it ? An
 angry man determines the penalty ; an offended judge
 inflicts it ; and he, perhaps, by office, by habit, and oc-
 cupation, one of the lowest if not worst of our species.
 If you cannot have an indifferent judge of the offences
 of these wretches, at least let there be a cold, indiffe-
 rent executioner. It is a horrible truth that, when once
 the lash is lifted by an angry man, with despotic power
 over the object, his rage is inflamed by every stroke he
 gives. The cries and writhings of the creature are
 called resistance ; even his patience is called sulkiness ;
 even his sufferings are an offence. The decrees of pas-
 sion are executed by passion. Admitting the power to
 be necessary, is there any protection against the abuse
 of it ? Have the negroes any shelter ? Have they any
 appeal ? Is there a law to deter, is there a magistrate
 to resort to ?—No, Sir ; none at all. Mr. Terry, who
 was many years an overseer in Grenada, says, " that he
 " has known slaves punished by managers severely for
 " trifling faults ; that they durst not complain to the
 " owner, for fear of worse treatment ; that he has known
 " them punished by the owner for so doing, and sent
 " back, though their complaint was just ; that field
 " slaves usually bear the marks of the whip ; and that
 " he never heard that a slave complained to a magistrate
 " of his owner, manager, overseer, or attorney ; that
 " he has known the *same* person both attorney, mana-
 " ger, and doctor on one estate ; that he never knew a
 " planter or manager interfere with another's treat-

" ment of his slaves ; that food is the general obje&t of
 " theft among slaves, and at the hazard of their lives.
 " That an overseer on the estate where he was, (Mr.
 " Coghlan) threw a slave into the boiling cane juice,
 " who died in four days ; he was not punished other-
 " wise than by replacing the slave, and being dismissed
 " the service ; was told of this by the owner's son, the
 " carpenter, and many slaves on the estate ; has heard
 " it often."

Against all the allegations and all the arguments on this subject, one general answer is usually stated, and supposed to be conclusive : *The negroes are our property ; we have paid high prices for them, our profits depend upon the care we take of them. If we are bad men, at least we understand our interest too well, to destroy or disable the instruments, by which alone our estates are made of any value to us.* In the first place, Sir, the proprietor is not in general the person, who exercises the power in question. If he were, it might be fair to presume, that the consideration of his true interest would be some restraint upon his passions. I fear, that, in general, it would not be effective. Many of the West-India proprietors, I know, are men of as much honour and humanity as are to be found in any other rank of life ; but they reside in England. Concerning the management of their estates, they have no other evidence but the information of their overseers ; concerning the treatment of their slaves, they have nothing to judge by, but the amount produce of their labour. If the returns are abundant, it is not likely that the owners should be much disposed to inquire into abuses, by which their profits do not appear to be diminished. They hear no complaints ; they

they live happily themselves, and conclude that all is well.* But I deny that the principle, so assumed and relied on, namely, that slaves will be well treated, because it is the interest of an owner to take care of his property, is conclusive in this case, as it would be in the case of inanimate property. All the protection, which you can expect from the principle, and it goes no farther, is, that corporal punishment shall not be inflicted to the hazard of life and limb; that the slave shall not be disabled from performing the task allotted to him. Within that limitation, the lash may be inflicted with the most shocking, capricious severity, provided it does not essentially injure the property of the owner. But to secure even that degree of protection, he ought never to trust the lash out of his own hand. He delegates his power to another, but not the interest, which, you say, is to govern the exercise of it. Still the negroes are your property. So are your horses, and of more value too, if price and value are the same. See how those noble, useful animals are treated by coachmen and others, every day in the streets; every night at the doors of the crowded assemblies of this town, before the eyes of their masters and mistresses, and even at the hazard of their lives. I have been often witness to these abominable scenes of riotous or passionate cruelty. Did you ever hear of a coachman punished, or even dismissed, for cruel treatment of his horses?

* Captain Hall says, "he believes the slaves suffered from the owner's absence, because it was the business of the overseer, for his own credit, to make as much sugar as possible; to do this, he must work slaves to the utmost; it being no concern of his whether they died or not."

One would think, at the first view of the subject, that a plantation, once properly stocked with male and female negroes, would supply itself without farther importation. I wish it were so; for then I should conclude that the condition of the negroes was tolerable at least. There is nothing in the climate or soil to counteract the propagation of negroes in the islands, any more than in Africa, where they multiply to excess. In all other countries, the labouring part of the people are in general the most prolific. Why not in the West Indies? Excessive labour, and scanty unwholesome food, would be sufficient to check population any where. But the fact is, that the planters do not think it their interest to encourage it. Captain Hall tells you, that " in the British islands, breeding is not thought desirable; they rather thought it a misfortune to have pregnant women, or even young slaves. They esteemed the charge of rearing a child to maturity, more troublesome and greater than buying a slave fit for work; and it was not uncommon for them to give away a child of two years old, as you would a puppy from a litter. Has heard an overseer of some consequence express this opinion. It was, in fact, his system to prevent population, as far as in his power; and he understood this to be a general system. So little care was taken of infants, that mothers deemed it a misfortune to have children: after the month, they were sent to field labour, with their child upon their backs, and so little time afforded them to attend to its wants, that he has seen a woman, seated to give suck to her child, roused from that situation by a severe blow from the cart whip."

Mr. Terry says that, while a manager, he never
 " received any direction about attention to preg-
 " nant women, or children ; has heard managers say,
 " it was cheaper to buy African slaves than to breed ;
 " that they wished the children to die, for they lost
 " much of the mother's work during their infancy."

Captain Ross says, " he has seen a negro woman
 " flogged with ebony bushes, so that the skin of her
 " back was taken off down to her heels ; she was then
 " turned round, and flogged from her breast down to
 " her waist ; and in consequence, he saw her afterwards
 " walking upon all four, and unable to get up."

Such is the treatment of women slaves, and in that state too, which of all others would excite pity in the most callous heart, that still had one human sensation left in it. But we are told that, altho' possibly facts of this atrocious nature may have happened in the early periods of the West-India settlements, no such instances occur at present : that the government of the islands in this respect is greatly improved ; that good laws have been made ; that they are carefully executed ; and that, upon the whole, the situation of the negroes is considerably mended, and grows every day more and more tolerable. Perhaps it may be so on some particular plantations ; but, in general, I do not believe the assertion to be true. The operation of habits and principles is permanent and uniform ; the check created by good laws can only be temporary and occasional, until they have acted long enough to effect a change in the manners of the people. It would have been natural to conclude that, while these inquiries were going on

in England, and while the attention of the nation was so particularly directed to the subject as it has been lately, some restraint would have been laid on practices, which it was well known had excited universal indignation here. One fact, which I shall state, will be sufficient to shew you, what you have to expect from the probable effect of these pretended laws and regulations made in the islands for the protection of the slaves. It is not more than eighteen months ago that I read, in the Jamaica Gazette, an account of a female slave, of the age of fifteen, flogged by one of these drivers, till she fell senseless to the ground. In this state she was dragged by the legs to a place which they call an hospital, till her mangled flesh was torn completely from her bones. In the hospital she died. The villain was tried for his life, and honourably acquitted by twelve of his peers, every one of whom, I have a right to conclude, and, for my own part, have no sort of doubt, would have done exactly the same. On what pretence was he acquitted?—Why, Sir, it was said, or pretended, that the girl was his property; that it could not be his intention, because it was not his interest, to take away her life.

Sir, I have given you but a very slight specimen, indeed, of the horrors, with which these books are filled: I will not argue the question, whether we ought to endeavour to put an end to them, or not. The very question is a disgrace to us. In such a case, I will not attempt to do that, which many personal considerations would have led me to do, to endeavour to compound with my duties, and to compromise between extreme right and extreme wrong. I give my vote for abolition. I declare

declare my opinion. I would do more if I could. Were I to have done otherwise, I do not believe that I could have enjoyed happiness in this world. I am sure I should not have deserved it hereafter.

HOUSE OF COMMONS.

Tuesday, March 15, 1796.

“ Motion for taking into consideration the report
 “ of the Bill, for the *Abolition of the Slave Trade, at a*
 “ *time to be limited.*”

Sir WILLIAM YOUNG.

General SMITH.

Mr. FRANCIS. Mr. Speaker, I really had no thoughts of taking part in this debate. My opinion of the slave trade is sufficiently known. But I confess I have not patience to hear what I have heard this day, without feeling indignation, and endeavouring to express it. The honourable General introduced his speech with premising, that he had no property in the West Indies, nor any connection with those who had. Allow me in my turn to declare that, altho' I have no property in the islands, I once was intimately connected with some, who possessed a great deal. The person, I allude to, had no relations but in *my* family. Her personal fortune was very considerable. The succession to the greatest part of it would undoubtedly have gone, as in justice it ought to have done, to her own relations, to whom she always expressed, as in common gratitude to me she ought to have felt, the warmest affection. Why was that just and reasonable expectation on our

part disappointed? Because I did not yield to her earnest and repeated solicitations to vote against the abolition of the slave trade, or at least to be neuter. I voted and spoke for it, and she disposed of her fortune accordingly. The honourable General says, that we are very much at our ease, while we are voting away the property of others; that we go home to the enjoyment of our dinners and our beds, without thinking on the misery and ruin we are to bring on a great body of our fellow subjects. Well, Sir, of *me* at least, it cannot be said that, while I neglected or sacrificed *their* interests, I was careful of my own. I acted with my eyes open, for I was distinctly threatened with the consequence. And yet I went home that day with appetite to my dinner, as I shall to-day, and slept soundly that night. Had I done otherwise, I should have lost the quiet mind, without which, neither can the luxuries of the table gratify the palate, nor the bed of down give repose. Forgive me, Sir, for speaking of myself in this manner. The facts I allude to are well known to every one, who knows me. My object in referring to them is to obtain credit for my sincerity, in the part I now take, even with those, who may undervalue my judgment. The honourable Baronet, in vehement language, and passionate terms, complains of the enormous loss and injury, which the West India proprietors and planters are to suffer by this bill, without any compensation. I deny it as a fact. But, if it were true, let them begin by entitling themselves to redress, before they expect that the House will listen to their complaint. I answer them with the authority and in the language of English equity, ever since equity was known in England; *Do justice before you demand it.* NON FERET *ÆQUUM, QUI PETIT INIQUUM.* As long as you are

guilty of an enormous injustice, on the very ground and subject matter of your pretended wrongs, the court will not listen to you, even though it were true that you had some equitable claim to compensation or relief. The honourable Baronet says, that the preamble to the bill, in asserting that *the slave trade is contrary to the principles of justice and humanity*, is a cruel mockery of the sufferings of persons in his situation, and that it adds insult to wrong. The honourable General, on the other hand, says, that it is nothing but the truth, that it was true a hundred years ago, and has continued so to this hour; and therefore, I suppose, he concludes it is too trite and notorious to be worth asserting. The honourable gentlemen agree better in their views, than in their principles. The honourable Baronet says, that the state of the greater part of the West India proprietors is already sufficiently distressing, and in many instances deplorable; that their estates are mortgaged, for nearly the whole of their actual value, to merchants and other monied men in this country; and that this bill will annihilate the security of the mortgagees. Be it so. The interest then is in *them*, and from *them* we have had no petition. The honourable Baronet's anxiety about the mortgagees is extremely generous I confess; but, if his account of the actual situation of West India property be correct, the owners would suffer little or nothing, even by a general foreclosure. These gentlemen recommend it to us not to forget policy, while we are talking of justice; from which I can only collect that, in their minds at least, there is an evident distinction between policy and justice. In mine, Sir, they are the same. If there be any circumstances of the present moment, or in the actual situation of affairs in the West Indies, which

which may render it prudent or adviseable not to carry the measure of abolition into instant execution, his Majesty's Ministers, who have the best information on such points, and who are trusted with the care of the general interests of the empire, ought to tell us so. I must confide in their prudence. If, by withholding any necessary information of fact, they suffer the House to be misled, they are to answer for it. But, as to general and fundamental principles of policy, I want no instruction from any man. I know that it is by justice only that great empires can preserve their greatness, *sic fortis Etruria crevit*, and that, by abandoning that principle, they insure their ruin. But, when argument fails, we are to be threatened if we persist. The example of the loss of America is held up to us by way of warning not to provoke the West India islands, lest they also should be lost to Great Britain. If this be a speculation only, I answer it with a better;—that the events and issues of human counsels are at the disposal of a higher wisdom than our's; and that those conclusions, which we most strongly dread and deprecate in prospect, are very often beneficial in the event. If it be a menace, I answer it with a fact. At the outset of that unhappy contest, the terror held out by those who promoted and those who opposed it, was the loss of America; by the former if we yielded, by the latter, if we persisted. But all parties agreed, that the loss of America must be the ruin of Great Britain. America was lost; yet, in spite of that loss, and of all that this country wasted and suffered in attempting to recover it, Great Britain has survived, and stood as firm and secure as ever; nor do I know with certainty that, setting aside the expences and calamities attached to the contest,

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Great Britain is essentially weakened or impoverished by the separation of America. The honourable General states it as an absurdity in the councils of administration to waste so many lives, and to squander such immense sums of money in expeditions to make conquests in the West Indies, while in effect they forbid the cultivation not only of any you may acquire, but even of those which you possess. Of what use are the acquisitions, if the importation of negroes be forbidden? Sir, it would be improper to enter now into the policy of these expeditions. That question is not before us, nor is this the time for it. But to the objection, as it is stated, the answer is obvious. On *our* principles, there is no contradiction between the policy of the expeditions, and the object of the bill. The two measures may be consistent, at least in the judgment of persons, who think and maintain, as I do, that the cultivation of all the lands in the West Indies may be effectually provided for without a farther importation of negroes from Africa. The honourable Baronet complains of the extreme rigour and severity of the penalties imposed by this bill. My answer is, that if the purposes of the law be good, if the object be just and necessary, the penalties must be sufficient to enforce the execution, and insure the effect. Beyond that point, I allow, they ought not to be extended. On this part of the subject I call on the gentlemen of the long robe to give us their advice and assistance. It is properly *their* business and duty to watch the formation of all penal acts, and to take care that they neither violate the principles, nor extend the rigour of our English jurisprudence without absolute necessity. I must own I have my doubts, whether there may not be some foundation for the apprehension expressed

pressed by the honourable Baronet, that the extreme latitude of the terms used in the first clause, by which the *procuring, aiding, or abetting* the importation of any negroes, is put on the same footing with the actual importation, and made subject to the same penalty of transportation for fourteen years, may involve innocent persons in the consequences of acts done without their participation, and even without their knowledge. Here again I call on the gentlemen of the long robe, to examine this matter, and give us their advice. The honourable Baronet affirms and laments that, by this clause, men of birth, fortune, and education, polished and improved by manners and by learning, are liable to a punishment degrading as well as rigorous, and to be confounded with felons and criminals of the vilest denomination. I feel the force of the objection, and wish to have it considered. At the same time, I do not think it comes with a very good grace from the honourable Baronet. When the sedition bill passed, he took no part to oppose it. He saw no objection then to the newly-created penalty of transportation for a seditious libel, on a second offence. By what sort of persons could that sort of offence be committed? By men of learning, genius, and education. He saw no objection then to the penalty of transportation in company with felons of every description, though possibly it might fall on such a man as Mr. Burke or Dr. Parr, or on persons the most eminent in the kingdom for literature and science. Such men, if they were obnoxious to government, would be prosecuted, in the first instance, on any trifling pretence, for the sake of insuring the penalty attached to the second conviction. The honourable Baronet has different rules and measures for offenders, whose quality and character

are the same. But justice ought to be distributed with an equal hand to all men. The class of the offender undoubtedly should be considered, as well as that of the offence. If, in this respect, the bill should be found liable to objection, it ought to be corrected.

BILL thrown by 74 to 70!

HOUSE OF COMMONS.

Monday, March 21, 1796.

Mr. FRANCIS rose to give notice of his intention to take the first convenient opportunity, after the recess, to bring forward a motion concerning the state of negroes in the West India islands. That, in order not to load himself with unnecessary difficulties in an attempt sufficiently arduous in itself, and perhaps above his capacity, by exciting groundless suspicions, or provoking a superfluous disposition to oppose his intended proposition before it was understood, he would now state shortly to the House, not what his object was, but what it was not. It did not relate at all to the abolition of the slave trade, nor to the manumission of the slaves now in the islands. His purpose was to provide for another interest, which, in his opinion, tho' certainly not neglected, had never been wisely considered, or rationally promoted on sound principles of advantage either to the master or the slave; he meant, the real interest of the proprietor himself. If, thro' that medium, the condition of the slave could be improved, he hoped it would not be an objection to his proposition. It was true, he

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had

had not till lately thought of taking an active part upon a subject, which, in other views, had been so long debated, and to so little purpose. The last unfortunate vote on the slave trade had determined him to come forward. On one point only, he thought it necessary to make an explicit declaration, in order to shelter himself from personal reproach or blame. It was true that he had taken his resolution, and that, at present, he saw no reason to think it at all likely that he should not adhere to it. Nevertheless, it was possible that, in the interval, considerations might occur, or be suggested to him by men wiser than himself, whom he meant to consult, or that insurmountable difficulties, or strong prudential objections might deter or divert him from pursuing his present purpose. If so, the House would hear no more of it. But, if he persevered in his design, of which at present he had no doubt, the House might be assured that he would apply his mind to it, with all the industry of which he was capable, and with every exertion of whatever faculties he possessed.

HOUSE OF COMMONS.

Monday, April 11, 1796.

Mr. FRANCIS. Mr. Speaker, It is hardly necessary for me to say that the sight of so numerous an attendance, on the present occasion, gives me the greatest satisfaction. I consider it not only as a practical acknowledgement of the importance of the business of the day, and of the interest it excites, but as an omen of success. Convinced, as I am, of the intrinsic

intrinsic merits of the cause I am engaged in, I cannot but rejoice to find that so many gentlemen are still disposed to attend to it. The greater the number, and the more they examine it, the more I am assured that, sooner or later, it will make a deep and universal impression, and finally prevail over every opposition. I believe, Sir, I may venture to assert, without a risque of contradiction, that, including the greatest learning, by which this House is at all times adorned and sometimes instructed, there is no man here better qualified than I am to introduce a serious subject of any kind with a dull, tedious, elaborate exordium. The power and the faculty being undisputed, I shall not abuse it. Instead of tormenting you with a long preface, I shall submit to the House some short but earnest requests, and then instantly to my subject. The first is, that the House will grant me a patient audience. I ask it with humility for myself; but I demand it, as a debt of justice, for my cause. On this day, it is your lot to exercise a high jurisdiction over a question important to a great portion of mankind, and interesting, I trust, even to those, who think they have no concern in it. If this be your office, your patience is your duty. My second request is, that gentlemen will have the goodness and the candour to hear me out; that they will not suffer their minds to travel faster than I do; that they will not anticipate my conclusions, and much more, that they will not conclude for me. The subject naturally divides into two parts; the principles and object on one side, the means on the other. Each of these divisions constitutes of itself an entire whole, the merit of which, if it has any, will depend on the mutual relation, correspondence, and consistency of its constit-

tuent parts, united in one view, and acting together for one general purpose. It cannot be fairly determined, or even thoroughly understood, by any consideration of particulars, that detaches the materials from the composition, or that values the component part without regard to its position. The most irregular fragment, in meeting another fragment, finds the place that belongs to it. But, above all things, I must appeal to your justice against any attempt or inclination to confound the consideration of the two general divisions of the subject, by drawing objections from the means, and applying them to the object. The second may be eligible and practicable in its nature, though possibly not by that course, or through that medium, which to me might appear preferable to all others, if not the only one likely to be successful. You may approve the purpose without admitting the means. But you cannot honestly or reasonably contend, that decisive objections to the means are necessarily fatal to the end. Sir, I am thoroughly conscious of my own infirmities. I cannot hope to make myself understood, unless I am heard without impatience or interruption. Even signs and gestures are sufficient to disconcert me. From that sort of distress, however, I hope to guard myself in some degree, by observing a rule, which is not so much regarded as it ought to be, by fixing my eye as steadily as I can upon you, Sir, from whom I expect nothing but what I have always experienced—kindness, encouragement, and protection. There is no affectation in confessing that I have but little confidence in my own strength. Allow me to claim the benefit not the merit of this confession, if you believe it to be sincere. Conclude

clude for me, as you ought to do, that I am convinced of the strength of my cause, and that I rely on it for support. That I am earnest in my opinion you cannot doubt. The value of it must be estimated by others. On this day, Sir, it is eminently my duty, as it is at all times my interest and inclination, to look round me for assistance, and to conciliate, if I can, every class of persons and opinions, into which the House has been divided on the subject of the Slave Trade. To the enemies of this traffic, a resolute and I hope an unconquerable phalanx, to those, who have hitherto advised and insisted on abolition, I think I have some right to apply for support. I have gone the full length of their opinions, and given them, from first to last, the utmost assistance in my power; and, if ever they should think it prudent or advisable, if ever they should see, what at present I despair of, a rational prospect of success in that direct pursuit, they shall find me at my post, and as ready as ever to second their efforts. Is it possible they should tell me in return, as, I think, implicitly they would do by refusing to concur with me this night, that they will not suffer any part or portion of that entire system, which has totally failed in their hands, to succeed in mine? They may say, perhaps, that their principles will not permit them to negotiate with guilt, or to compound with crimes, as they must do, if they consented to palliate or to qualify an evil, which they cannot remove, and much more if they appeared to authorize or even to acquiesce in its existence, by contributing to reduce it to a less intolerable form. Neither would *I*, if I could help it. But is it true that, by yielding to necessity, any principles are abandoned? Do I renounce even *their* object of ultimate abolition,

or do I pursue it by a course, perhaps more effectual, though less rapid and direct than that, which *they* have hitherto repeatedly tried without success? Are there no stages and gradations between complete success and absolute despair? Are there no expedients in practice, of which prudence should avail itself to compass whatever is attainable of the objects of wisdom and benevolence? Have they a moral right to this extreme precision in a question of action, in which the sufferings of others are instantly involved? Have they nothing to consider now but their own consistency? Is it pride or is it charity to say to a fellow-creature, the suffering subject of the argument and victim of the debate, that you will not submit to relieve, because you have been disappointed in attempting to cure? From those gentlemen I have a right to expect better morals, if not better logic. My appeal to the planters and proprietors is of a different nature, but equally intended to conciliate their good will, and to obtain their concurrence. Of *them* I demand nothing but an exact consistency between their conduct this day and all their former professions. *They cannot consent to abolish; but they are ready and desirous to regulate and to improve.* Such has been their constant language, whenever abolition has been proposed. They are at all times ready to meliorate the personal condition of the Negro, tho' not to put an end to the trade.—Now I take these gentlemen at their word. Let us heartily and honestly unite our endeavours to accomplish that, which they are willing to concur in, which they confess ought to be done, to place the Negroes in the Islands on such a footing of regulated service, no longer at personal discretion, but under a legal security, that the existence of the trade itself

itself for a farther period may possibly be endured. Some of the parties, I am told, are highly dissatisfied at my attempting to revive the subject in any shape. *For what purpose do you stir a question, now finally settled by a resolution of the House ? Are we never to be at rest ?* To a complaint of this kind I might truly answer, that if *I* were silent, or if *I* were not in being, there are others, who would resume the subject with as much zeal, and with greater ability ; who would never suffer it to perish or be forgotten. On this point the gentlemen I allude to may as well resolve at once to make up their minds to their situation. They may be assured, that as long as the grievance exists, at least in its present form, they will have no repose ; they can never be at rest. But this is not *my* language. It would have the air of an apology, which I will never make to any party or to any power, for endeavouring to do one of the greatest duties incident to my station. In doing it I want no shelter, nor would I stoop to solicit it from any human resentment. I tell them frankly that, while I exist, the question shall never die ; and tho' it were dead, yet shall it live. Some years ago it was said by a Member of this House, respectable for his age,—where he is now I know not,—“ Why cannot “ you be content ? Are not we all very happy ? Do “ not we enjoy good dinners and pleasant society, and “ all manner of comforts ? I dare say the Negroes are “ very well off, and why cannot you let them be “ quiet ? ” My answer was and is, that such principles and practice never ought to find peace on earth. It is in vain to look for it. By power and by force they may obtain a partial triumph from day to day ; but it must be in a perpetual struggle between active wrong and

and persevering right, until the moral sense of justice, charity, and shame, shall either finally prevail or be utterly extinguished in this land. To any other issue the war is immortal. Addressing myself now to the House collectively, I certainly mean to do it with the deference and submission that becomes me. If I could personify the House of Commons, it would be my interest as well as my duty to approach so great a person with the utmost respect. But respect does not exclude firmness, and should not restrain me from saying, that it is the function of your greatness, as well as of your office, to listen to truth, especially when it arraigns a proceeding of your own. I am not here to admire your consistency, or to applaud the conduct which I am endeavouring to correct. These topics do not furnish any subject for applause. You have nothing like praise to expect from me; unless you feel, as I do, that a compliment of the highest order is included in the confidence, which appeals to your justice against your inclination. Compare the resolutions of the same House of Commons in 1792 and 1796. Against the second I plead the first, the result of a longer debate, the decision of a greater majority. If the authorities are equal, to which shall we submit? Contradictions cannot act together. Is it possible to remember the pledge that was given, the faith that was engaged, and really to respect a power, by which both have been broken? It is not for *me* to qualify the proceedings of this House. But they can not escape the records of history. To save you from everlasting dishonour, that leaf must be torn out. There is one person left, Sir, whose support, if I really had it, would undoubtedly be of more use than all the rest; but whose support I disdain to solicit.

solicit. I will not, for any purpose of this world, much less for any interest of my own, descend from the independence of my character, or from the station attached to the duty of this day, to submit myself to a capricious, mean, injurious enmity, not the less bitter because utterly groundless, not the less persevering because utterly unprovoked. Neither is it necessary. I have a surer course to take with the Right Honourable person I allude to. If I am not grossly mistaken in my opinion of his character, I have a powerful resource in the judicial quality of his calculating mind. I am not alluding now to the general purity of his morals, or to his sincerity in particular. Without disputing his virtues, I hold it to be fortunate that I am not driven to rely on them. I depend on his support, because I think I can put an honourable force upon his mind. I know the scruples and the prudence, with which he weighs and balances the specific value of profit against praise. Whatever you may think of him, he is not a man to be driven, even by a favourite passion, to sacrifice a great portion of reputation for an inconsiderable advantage, and still less for a gratuitous indulgence of temper. I am safe, then, when I say, that my present intention is neither to solicit or to offend, but to provoke him, (*Hear! hear!*)—Yes, Sir, not to offend, but to provoke. Provocation is not of necessity offence. To inflame is not to irritate. They know nothing of the language, who think that these words represent the same idea. I tell him frankly that the last decision of the House has left a shade, I will not call it a stain upon his reputation. Is he not yet satiated with the possession of power and emolument? Is he not weary of the drudgery of his office, compared to which

the mere labour of a Negro is in my mind a service to be endured? And does he think it possible that the country, that any rational being should give credit to a proposition so extravagant and so monstrous, that the all-powerful Minister of the Crown, with all his eloquence, and with all his influence, and with the accession of thirty voices from his side of the House, should not have been able to engage more than seventy votes on a favourite question of his own, if, in earnest and *bonâ fide*, he had desired to carry it? Is there nothing in his mind to elevate him for a moment above the level of his station? Does he never look forward to a time, when the merits of his character will be canvassed by posterity? And is it possible for him to endure the thought of passing for an * * * *

Mr. Secretary DUNDAS rose to call the Honorable Gentleman to order. He spoke of his Right Honorable friend as a Member of Parliament only; and it was the established rule of the House to presume that no member ever delivered opinions or expressed sentiments in which he was not in earnest. That to assert or insinuate the contrary was unparliamentary, and a high breach of order.

Mr. FRANCIS. I submit to correction, though I really do not think that I said any thing to deserve it. Certainly what I meant was, not to express a suspicion of my own concerning the Right Honorable Gentleman's sincerity, but to indicate to him the impression which the fact, as it stood, seemed likely to make on the general judgment of mankind at present and hereafter. I have no time now to debate a point of order;

der; nor is it necessary. The full idea, which I meant to give, may be conveyed in another form. Instead of a comment, allow me to tell you a short story, from good authority; but whether it be true or not is immaterial. It will serve to illustrate an obscure subject, without the risque of giving offence. A Member of this honorable House was asked, how he voted on the last question of abolition. "Sir, I voted "with my friend the Minister." How so? I thought you had divided against the Bill.—"Very true; I "certainly divided against the Bill; but I voted with "my friend the Minister." At the moment, when the Secretary of State called me to order, I was going to make an acknowledgement in favour of the Right Honourable Gentleman, and to pay him, what I never refuse even to hostile merit, an honest tribute of applause. What judgement I possess is a good deal governed by impression. I cannot calculate the value, while I feel the effect. I have not forgotten that illustrious night*, when all the powers of his eloquence were summoned to the service, and exerted in the defence of justice and humanity;—when he took the House, at a late hour, exhausted with watching and wearied with debate;—when worn out attention revived at his voice;—when he carried conviction to our hearts;—when reason in his hand seemed to have no office but to excite the best of passions in our breasts;—then, Sir, was the time, if he had nothing to consider but his own glory, then was the moment for him to have chosen to retire from Parliament, perhaps from the world. He had arrived at the pinnacle of

* Monday, 2d April, 1792.

parliamentary honor, and at the summit of his fame ; and there he should have quitted the scene. From that moment and from that station, in *my* judgment, he has done nothing but descend. If the effort I allude to was no more than the imitation of an action, we may find such imitations still better represented in books, or as well acted on the stage, where reality is not in question. I do not suspect his sincerity on that occasion. But, whether that was an imitation or not, mine is a real action ; or, if it be an error, it is *I* who am the dupe of it. I well know the dilemma, in which I am to stand this day. If the motion I have in view succeeds, I shall then be driven to submit to a continuance of the trade. If it fails, the whole existing mischief receives another confirmation. But on the other hand, if I succeed, a great immediate good is done, progressive in its nature, and inevitably leading to final abolition. If I fail, one material advantage will be gained by it, that the pretences set up by those, who say they cannot yield to abolition, will be unmasked ; and that, with respect to *them* at least, we shall know what we have to trust to. Such is the perpetual mixture of good and evil, that embarrasses the choice and balances the event of human councils. We cannot command the issue ; let us make sure of the intent. The first question that will naturally occur to all parties is to ask me, what is your general intention ? You say, you do not now propose to abolish the trade. Do you mean to emancipate the Negroes in the Islands ? In effect, Sir, I have answered that question already. It cannot be my intention, because it is not in my power, nor would I venture it, if it were. Before I discharged them from their present evil condition, I

should be bound to provide for their subsistence and security in a better. Otherwise their freedom, unprepared and unprovided for, might be their instant destruction. They must be furnished with the means of subsisting on the spot, and instructed to make use of them. Liberty, like all other human advantages and enjoyments, has difficulties of its own, which he, who has been bred in slavery, will not suddenly know how to contend with. In some cases the planters are ready enough to make their slaves free, that is, to turn them adrift when from age or infirmity they are past their labour, and leave them at liberty to shift for themselves. For this proof of the liberality of planters, the House, I imagine, will give them but little credit. The same principle operates thro' all their conduct. Their sole consideration is the profit or the loss. The Negro, in every stage of his existence, is, some way or other, the subject of cruelty or injustice, of which the final effort, when it can exact no more, is to refine upon all the rest, and at last to set him free. I do not say that such conduct has been universal. Undoubtedly some planters are wiser and more humane than others. But that the practice I allude to has prevailed, I affirm from the best evidence, from the laws of the Islands, which declare the fact, and pretend to put a stop to it. But for what reason? Is it because justice or humanity forbid that these helpless wretches should be let loose to starve and to perish at the period of their service? No, Sir; no such thing. The laws interpose, avowedly, for no purpose but to destroy a nuisance, to remove an eye sore, or to discourage theft. These immoral beings, it seems, are determined to eat. If you will not give them food, they take it by stealth.

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The appropriated rights of nourishment are invaded by these free Negroes. No edible property is secure from them. And is that an evil to be endured for a moment by an enlightened legislature?—No, Sir, it is not my design to give such freedom on such terms; nor will I leave it to the master to dissolve the relation between his slave and himself, just whenever he pleases. The next question, I expect, is;—Do you mean to give the Negroes equal rights with the white inhabitants? That would be a direct emancipation. What I would do immediately, if I could, would be to place them in a state equivalent to that of voluntary service. That step will follow in due time; but it must be preceded by other gradations. To abolish service in society, is in fact to abolish man. You have heard of fanciful definitions, that man is an animal *bipes et implume*, that man alone makes instruments to act with; but there is no distinction perhaps more striking, more prominent and characteristic, than that he alone of all created beings makes use of the service of creatures of his own species. But service is not slavery. It is the free man's calling. In effect, slavery is the reverse of service. Instead of bad slaves I would make the Negroes good servants. I am sure that the master's profit, on the whole, would grow with the freedom, and that even his morals would be mended by it. A good master makes a good servant, and, *vice versa*, a good servant makes a good master. The principles act and react on each other. But we are yet at too great a distance from this humble state of improvement. I do not aim at it immediately. Then what is it you propose? I mean, Sir, generally, in the first instance, to allow the Negroes every benefit and advantage compatible

patible with a rational and profitable demand on their service; to mend their actual condition, to prepare them gradually for a better situation, and to make them capable of higher improvements. The course and the power shall be stated in their place. But, first of all, let us inquire and consider, what is the actual state of the Negroes in the Islands. I mean to represent it fairly on both sides. In a printed tract, called *A true State of the Question*, drawn up with great artifice, under an air of simplicity, I find the following passage, which the author evidently means should be taken for a general and candid account of the Negroes in the plantations. "They have a house and garden for "nothing, clothes found them, food found them, both "good and sufficient, the best doctors in the country "to attend them when sick, their wives and children "provided for, and all without any expence. The par- "son, who lived there three years, says this is the "general state of the Negroes on all the plantations "he saw; and that in a great many parts they catch, "by means of springes or snares, abundance of wild "pigeons and Guinea hens." Undoubtedly, Sir, if the Negroes are really furnished with all these conveniences and amusements, there is no occasion to tell us that it must be *without any expence* to them. They land naked, and they cannot acquire. To say that they have them *for nothing*, is only to assert that their labour is of no value. But does any man in his sences believe the statement to be true? If it be, the fortunate islands were never discovered before. *Grenada and St. Kitt's* are the real *Hesperides*. A sugar plantation must be a perfect paradise. Be it so. I take these gentlemen at their word. In asserting the fact, they allow the right. To affirm that

that such *is* the practice already, is to confess that such it ought to be. Their allegation is an admission. Almost all that I contend for is acknowledged to be right, and in effect, if they speak truth, already granted and enjoyed. Inforce your practice. Compel those planters, if there be any, who neglect or refuse to follow your benevolent example. Confirm your own custom by some legal sanction, and make it binding on all parties. The rights, which are held at discretion, may be capriciously resumed; and, even while they are possessed, can hardly be enjoyed. You cannot answer for the justice and humanity of your successors. It is not absolutely certain that your virtues will descend with your estates. Since in effect you give the substance, for what reason should you refuse the security? Your Negroes will not work with less diligence, when they know that their industry and obedience are the *certain* tenure of their happiness. As long as they have nothing to lose, they are not properly within the reach of good government. At least it is worth trying, whether the fear of forfeiture may not be full as effectual as the dread of punishment. I must call upon you now, Sir, to attend to the opposite side of this flattering representation;—after looking at the picture, to turn the frame and examine the canvas. Very different indeed is the view, which I shall endeavour to give you of the condition of these slaves; but it is that, which I most conscientiously believe to be true. The reality of the case, as I shall state it, is founded in the strongest probability and rational presumption on general principles; is supported by direct evidence, and above all things is demonstrated by unavoidable inference from the laws of the Islands. My chief reliance is on the

last,

last, because, tho' not in its nature so direct as oral testimony, it is the only sort of evidence, which it is impossible for any adverse party to contradict or dispute. At the same time, Sir, I desire it to be understood that what I state on this subject is stated generally. I do not mean to deny that some plantations are better managed than others ; that, in some places, very prudent and humane regulations have been established, and particularly that, when proprietors, who commonly reside in England, have visited their estates, their occasional presence has been a blessing to their slaves. Knowing and esteeming many of them, as I do, and living in friendship with others, I should betray my cause as well as my honour, if I did not much more than admit, if I did not contend that a great part of the miseries suffered by the slaves is in fact owing to the constant absence of the proprietors, and would probably be removed or alleviated by their presence. Had it been *my* lot to have possessed an estate in the West Indies by gift or inheritance,—such property assuredly I never would have acquired by an act of my own,—I should have thought it my duty, in the first instance, against every motive of personal reluctance and dislike, to have visited my estate, to have examined the condition and treatment of my Negroes with my own eyes, and, before I allowed myself to think of any thing else, to give and insure to them at least as much comfort and happiness as might be compatible with the demand of a reasonable and a *fixed* proportion of the amount produce of their labour. What more I would have done, in the same pursuit, may be collected more usefully from the scheme, which I am gradually unfolding to the House, than from an abrupt declaration of it

at present. Speaking generally then, and not without exception, of the actual situation of Negroes in the West Indies, I say it appears to me, from all the evidence to which I have alluded, that they are a collection of human beings, existing together, but not in a state of Society ;—that they are under no law, but that of arbitrary will ;—that they know of no government, but the whip ;—that they have no effective protection, in laws or in magistrates, against personal cruelty on the part of those white men, who exercise the offices, too often united in one person, of managers, overseers, and drivers, nor any shelter whatsoever from the severest punishments, but in the prudence or humanity of those officers ;—that there is no bond of marriage among them ;—and finally that, in this state, they neither have, nor can have, nor in fact is it intended that they should have, any idea of morals or religion. If this be generally their condition, it follows of course that, even if the propagation of Negroes in the Islands were not directly discouraged, as it is, by the planters, they could not increase and multiply, as beyond all doubt they would do, if they were to partake of the common benefits of society, or even if they were sure of protection from outrageous wrongs. The cause is proved by the effect. They, who affirm that the contrary is true, that propagation is really encouraged and protected, are bound to shew, why they have not succeeded in the course of a century, and why a continued importation of adult Negroes from Africa is still necessary. If you trust to their experience of the effect of their own measures, the necessity can never cease. You must perpetuate the importation. I wait with curiosity to hear, with what arguments and proofs they support

so extraordinary a proposition. They will find it a difficult task ; and they may be sure of my attention to every thing they say. Not a word of it shall be lost. But, until I receive new lights on this part of the subject, I must continue in my present conviction, that there is no marriage among the Negroes (by which I do not mean a casual cohabitation, but a real bond of union), because there is no protection to marriage, and that, without marriage, there can be no certain propagation, or care of the infant. For what reason should a Negro marry ? That his wife, if she has any personal attractions, may be at the mercy and disposal of the driver, who whips them both ? That his children, if they are suffered to live, may be slaves like himself ? And do these people expect us to believe, that the productive power of mere animal instinct, if in fact it were protected and encouraged, is sufficient to overcome the moral order of nature, and the dispensations of Providence ? Promiscuous cohabitation is generally adverse to increase ; but, in the case of the Negroes, tho' birth were not prevented, death must follow. What care do you think is likely to be taken of the mother or the child, when children are considered as a loss and a burthen to the estate ?—Do you mean then to impart directly to the Negroes, now in the West Indies, the immediate benefit and enjoyment, as far as a state of servitude is capable of it, of law and government, of morals and religion ? No, Sir, that is not my intention. I know too well that they are not in a state to receive these benefits, or to profit by them. You might as well attempt to sow wheat upon a marble table, or on a gravel walk, and expect a plentiful crop in return. Before you plant, you must prepare.

the soil ; otherwise the expence is wasted, and the labour thrown away. Something must be done, in the first instance, to raise their degraded minds, and to excite their faculties, before you attempt to make them productive. What idea can they form of a government, or how can they regard it, from which they experience nothing but punishment ? How can they confide in laws, which place no confidence in *them*, and from which they derive no protection ? What conception can they have, or would it be possible to give them, of moral obligations, as long as they exist without a social relation of any kind, not only to the whites, who to *them* are a distinct order of beings, but even to one another. Many well-meaning persons, I know, have wished and endeavoured to impart to the Negroes some notion of a Deity and some sense of religion. Without blaming the intention, I lament the misapplication of a pious principle, and the inutility of a virtuous attempt. Again I entreat the House, most earnestly on this point, not to anticipate my argument, not to conclude hastily either for me or against me. My language, on this subject, may be offensive to vulgar ears, or to superficial observers ; but examine it well, and you will find, that it proceeds from the deepest sense of the truth and reason of religion. These serious considerations are not foreign from my purpose. The legislator, who leaves religion out of his scheme of government, whatever it may be, knows nothing of human nature, and but little of his office. But, in all the operations of human contrivance, gradation and order are essential to success. It is only for the hand of the Creator to act, by instant institution, universally and at once. The Negroes, in their present state, are incapable

incapable of the benefits of religion, because they are not prepared to receive them. To give them, as they are, a confused idea of a Power and Providence above them (which is the utmost you can do) would be much worse than useless and ineffectual. I say it would be dangerous. In failing, you only waste your time. I dread nothing but your success. Expose, if you will, the aweful rites and ceremonies of your religion to mockery and profanation. Baptise your dogs. Baptise your horses. These animals you care for. They feed from your hands; and, above all things, they do not know that they are your slaves. But beware of the last act of human impiety. Beware of persuading the Negro of the existence of a Being, of whose power and attributes he can know nothing, but in the miseries it inflicts, or permits to be inflicted upon him. In his present state, do you expect him to listen to religious instruction, or to understand it, if he does? Be it so. You have taught him to believe, or to pretend to believe, what he does not understand, the existence of a providential Power above us. In what manner is he likely to be affected by that belief, or what conclusion will he draw from it? His simple reason will tell him, in effect, that *to him* it is an abstract proposition; that, whether true or false, he has no manner of concern in it; or that, if there be a God, he is not the equal protector of his creatures; that all the benefits of existence are reserved for the whites, and nothing for *his* colour, but degradation, slavery, and stripes. Is this the impression you wish to make by your instructions? Whatever you may intend, the untutored mind of the Negro is incapable of any other. What then? Is it my purpose to keep the Negroes as they

they are, without a sense of the truth, or a share in the blessings of religion? God forbid. My intention is directly the reverse. I have consulted the Book of Wisdom, and shall follow the precept as it is written. He, who reads that book without emotion, in my mind, has no feeling; he, who reads it without relish, has no taste. Begin with yourselves. Do not intercept all the goodness of Providence in its passage. Let some portion of its benefits escape from your grasp, and descend to your fellow-creatures. By degrees the Negro will conceive, without envy, that it is *your* lot to occupy an order of existence above him, consistent with his happiness, and possibly the medium, thro' which he is to receive it. Give him benefits, and he will return thanks; give him hope, and he will pray. Why should he be grateful now, or for what purpose should he pray? Despair never prays; extreme guilt, rarely. The publican hid his face. You have heard of the parable of the sower and the seed. From a man, whose life has been wasted in the pursuit of business or of pleasure, and perpetually traversed by disappointment in detail, tho' successful in the result, these things may have more weight, perhaps, than if they came directly from the temple and the teacher. The only seed, which *brought forth fruit*, was that, which *fell into good ground*. The good ground is that, which is duly prepared. Without cultivation, the richest soil produces weeds, and nothing else. If then you seriously and rationally mean to give religion to the Negro, prepare his mind to receive it. By what means? By direct information? By positive instruction? No. Give him a footing on the ground, tho' it were but a point. Give him a station in society, even the lowest that can

be

be found. At present he has none. He belongs to no order. Give him some tenure in the earth, if you mean to exalt his thoughts to any thing above it. His mind is elastic as well as your's ; but it must have something solid to act upon. These are the premises. Then what is the conclusion ? In one word, give property to the Negroes. What ! property to a slave ! to a being, who is not the master of his own actions, who is not the owner of himself ! Yes, I say, property to a slave. I mean a property in the soil, the best for *their* use, the most convenient for yourselves, qualified and limited on one side, and accompanied on the other with time and means to cultivate, and security to enjoy. Without those conditions, the mere grant of property would be nominal and nugatory. I am not alluding to goods and chattels, but to a real tho' inferior tenure in the land. To that sort of property, in all its degrees, cultivation is the origin of right, antecedent to laws and even to society. But, if that proposition be true, how peculiarly powerful is the inference in favour of the Negro ? The moment you forced him to work, you gave him the claim, and much more than I contend for. To some participation at least, the labour and the right are inseparable. I say that the protection of property is the cause and foundation of society. In that single and simple principle is involved, and out of it will gradually unfold, the benefits, the orders, and the improvements of social life. In that acorn the whole oak is included. Give it time to take root ; give protection to the plant ; let it thrive and flourish. The ornament and the use will pay you hereafter. The branches, as they expand, will shelter you from the storm. The majestic stem itself, even when

it falls, will be devoted to your service. From this single act of giving property to the Negroes, the improvement of their faculties and character as well as of their condition will gradually and necessarily proceed, or on this stock it may be grafted. The cultivation of the earth is not merely the source of nourishment, or comforts, or personal enjoyments, but of order, laws, art, and science, of every thing that is most refined, and most purely intellectual in the human system. Even eloquence, music and poetry, tho' last in succession, are the progeny of the earth. Morality and religion undoubtedly derive from a higher source. But this is the medium, thro' which they are conveyed to us. **PRIMA DEDIT LEGES, CERERIS SUNT OMNIA MUNUS.** You may not believe in the inspiration of poetry; but I am sure you will listen and submit to the wisdom of a king. You have it from royal authority, that *truth shall spring and flourish OUT OF THE EARTH.* What can that sentence mean, but that human knowledge, with all its illustrations in society, was intended to originate from the clod, broken by the spade, or turned by the plough; and that the labour bestowed upon the earth is the first step to the cultivation of the mind. Before I proceed to specify the sort of property, in which I wish the Negroes to participate, I am bound to shew generally that rights of property are not incompatible with a state even of absolute slavery, and that in fact they have existed together, under governments, which, in other respects, exhibited no sign of lenity, or even mercy, to their slaves. It was the practical wisdom or policy of those states which, only in this respect, and for a public purpose, prescribed a limit to the power of the

master, tho', in all other instances, utterly arbitrary and uncontrouled. By the custom of Rome, if not by positive institution, the slave might acquire, by extra-work, or by savings on his allowance of grain, a *peculium* or private property, which the master could not take from him, tho' he might dispose of his person. I do not know that the *peculium* was provided for by the laws of the Twelve Tables; but it was considered as a customary right, and protected by the *Prætor*. This money, with their master's permission, they laid out at interest, or purchased with it a slave for themselves, from whose labour they might make profit. They might buy out their liberty, and have their names inserted in the censor's roll; by which they obtained some of the advantages attached to the condition of a Roman citizen, tho' the relation between the freedman and his master was not entirely dissolved. Even while the bond continues, the allowance of, or the connivance at petty profits by the slaves tends of itself to soften and efface the impression of slavery, and to convert it gradually into the condition of voluntary service. The essential difference between slavery and service is, that one is forced, the other is voluntary. *Montesquieu* says that, in Germany, the labour of the mines, in itself severe and odious beyond all others, was maintained by the encouragement of little privileges, perquisites, and profits to the miners; that they were even brought to love their condition, and to live happily in it. From this fact he concludes, that there is no labour that man can execute, which may not be performed by freemen. *My* conclusion from it is, that the more of freedom you can impart to a slave, the more he will labour, provided it be ac-

companied with a gradual accession of profit. *Cupiditate peculii nullam conditionem recusant durissimæ servitutis.* In society, or in contact with society, I hold that the possession of property, of some kind and to some degree, is more necessary to a slave than to a free-man. It tends to give him not only comfort but protection, and necessarily prepares him not only for social benefits, but for personal improvement. The savage is satisfied with his liberty. Instead of stationary labour, he ranges for subsistence ; and, having little or no idea of property, has still less of laws or settlement. In society, a free man may do without property ; because he is free. His liberty is his free-hold. Without acquisition, he *may* have enjoyment. But, in some way or other, he must serve, or he must labour. So must we all, tho' in different senses, or in opposite directions. The many cannot govern the few, nor do they desire it. But is there a rank in society, including the highest, in which the master in effect is not very often more a servant to his servants, than they are to *him* ? From my own experience, tho' on a little scale, I can affirm it to be true. But the relations between the different classes of mankind, to be usefully maintained for any, must be reciprocally observed by all. In the lowest situations of life, the people know, as well as we do, that wherever personal industry is encouraged and property protected, there must be inequalities of possession, and consequently distinction of ranks. Then come the form and the order, by which the substance is at once defined and preserved. Distribution and limitation prevent confusion, and government by orders is the natural result of property protected by freedom. Take care that

that you adhere to it. Where the few possess all, and the multitude have nothing, there is no government by orders. Every thing is in extremity, and nothing in gradation. It is ignorance or calumny to say, that if the poor man was allowed his humble share in the allotment, he would feel any disposition to invade the portions of the ranks above him. Equality of condition is impossible. They, who talk of it to the people, mean nothing but to deceive them. The very act of justice and good government, which secures to every man his respective right, excludes the idea of positive equality. The Roman slave had some rights of personal property, tho' he had no other. That example, however, is but little to my purpose compared to the condition of the *Helots*, under the tyranny of Sparta. My general wish and object is to make the service of the Negroes, as much as possible, a real service, by attaching it to the soil, and as little as possible a personal service. The Negroes, in our islands, are equally subject to both, or may be capriciously transferred from one to the other. The horrible barbarity, with which the *Helots* were treated, was the deliberate policy of the state, not the indulgence or result of personal cruelty. The Spartans were far outnumbered by the *Helots*. The security of the few was thought to be incompatible with common justice, or even with common mercy, to the many. One crime produced another. The first violation of right, in reducing a free people to slavery, could only be supported by a perpetual outrage to humanity. Such at least was the principle and practice of that extraordinary government, in which every thing was original and unexampled. In another instance, directly applicable to my present

purpose, they departed boldly from all the vulgar rules of human prudence; and yet they acted wisely. They renounced the uses of property for themselves, and in effect gave the lands of Laconia to the Helots, to be cultivated by them, on the sole condition of returning to their masters a fixed and certain tribute in kind, equivalent to a quit-rent, which could never be increased. To every other intent of use and profit, the Helots were in fact proprietors of the lands. The amount of the demand on the produce of their labour being once made unalterable, a vigorous and general cultivation followed. Many years ago, I endeavoured to inculcate a similar principle on the English Government of Bengal. I said then, and I say now, leave the lands with the natural owners, the Zemindars, and fix your demand of a certain portion of the produce at once and for ever. Subject, as it is, to a foreign dominion, much heavier in detail than that of a single despot, Bengal cannot exist, with security of any kind to the natives, or with permanent advantage to the governing power, on any other principle. The effective right of property was inviolable in the *Helot*, tho' subject, in his person, to a cruelty at once deliberate and capricious, and tho' his life was never safe. He still held a middle rank between the freeman and the domestic slave. The Helots were commonly inrolled in the Spartan armies; and, tho' seldom rewarded for their courage or fidelity, their condition was mended, at least as long as the war lasted. The life of a soldier, with all its fatigues and dangers, is undoubtedly preferable to that of a slave. We are told that the Negroes on our plantations are always ready to take up arms for their owners, and to

fight

fight in their defence; and this is advanced for a triumphant proof of their attachment, and consequently of the mildness with which they are treated. In some cases, it may be so. I have no wish or occasion to overstate any thing to the disadvantage of the planters. But, generally speaking, the fact does not prove the proposition. All it proves, with any certainty, is, that in the army the Negroes are sure of food and cloathing, and exempted from field labour and arbitrary punishment. How were the armies of Lewis the Fourteenth recruited in the latest of his wars? The distress and misery of every other condition of life drove all men into the army, where alone it was possible to subsist. How often have we been told that the wonderful facility, with which the French have been able to keep their forces complete in the present war, proves nothing but the general desolation of the country, and that all the bread, that existed, was reserved for the army. This example of the Helots, Sir, is direct and powerful to my immediate purpose. They were slaves, and they had landed property, or an equivalent to it in the use and enjoyment. In our own ancient history, the first estate or tenure, superior to downright slavery, but inferior to every other condition, was that of a *Villan regardant*, whose service was annexed to the manor or to the land, and who could not be separated from it. To a state resembling this, I would, in the first instance, raise the Negro. The planters should be obliged to furnish every adult Negro, as they say they do at present, with a cottage and a small portion of land for his own use, with implements of tillage, and a fixed allowance of time for cultivation; the entire produce to be his own. In some of the

Islands, this allotment may be made with greater ease and convenience than in others. But no plantation should be so overstocked with Negroes, no more than a farm with cattle, as not to leave room enough for the production of subsistence. Ground food is the only nourishment, in which the Negroes have any pleasure. The House will observe that I mean to confine myself to the general principles and outlines of a plan, the detail of which will appear before you more distinctly in another form, if I should be permitted to proceed in the manner I propose. Marriage must be encouraged ; I mean a real bond of union between the sexes. A certain participation in the usufruct of the land, however limited and qualified, is the first encouragement to marry. The marriage must be contracted with some ceremony, and recorded in some form ; and then it must be seriously protected. By the laws of some of the Grecian states, if a master violated the wife of his slave, the husband and the wife were instantly free. *Leges pudicitiae sunt juris naturalis.* Direct force or violent compulsion of any kind, employed against a Negress, should be punished with death. Corruption of the wife should make the husband free. It is shocking to human nature to think that personal protection, even to this amount, would constitute in itself a state of improvement. But, once granted and secured, it would of necessity lead to greater. I know that, according to the actual laws of the Islands, in which you will find that principles are for ever deduced from practice, the difficulty of convicting a white man of any crime against a Negro, is little less than insurmountable. The Negroes are not supposed to be moral agents. Against a white man, no evidence

evidence of theirs is admitted. The laws, if they were good, cannot act for want of proof. The hand of the magistrate, tho' disposed to punish, is disarmed or suspended. The most shocking acts of cruelty are encouraged by impunity ; and, in the midst of horrible sufferings, there is no complaint. By mending the positive existence of the Negro, you will gradually raise him to a moral character, sufficient at least to make his evidence admissible. Without it, he can have no protection from the laws. His credit and estimation will grow with the interest you give him, and keep pace with the advantages, in which you suffer him to participate. In no case should the Negro be removed, against his will, from the spot which he has cultivated, much less from the estate. They should always descend or be transferred together. In no case should wives be separated from their husbands, or children from their parents. In these institutions I lay my foundation. Particular regulations will follow in their place. There should be a general limitation by law of the hours of labour according to age and sex. Indulgence to weakness or infirmity must still be left to the discretion and benevolence of the master. Every Negro should have the privilege of applying the petty profits of his industry to the recovery of his freedom, by buying out the remainder of his slavery, or some part of it, at a price to be fixed by law. Fathers and mothers, who have brought up a certain number of children, should be rewarded with premiums, and the mothers exempted from labour. No man should be deemed capable of the office of overseer or manager of an estate, who was not of a certain age, and married. The superintendance of the female slaves would naturally devolve, as it ought,

ought, to the care of his wife. I need not paint the cases, in which the sympathy of a woman and a mother would be a source of comfort and relief to these creatures. The sufferings, appropriated to the sex, demand the office, and allot the department. I am not, Sir, so weak or inexperienced as to expect that, if laws were ever so judiciously framed to accomplish all these salutary purposes, they would execute themselves, and especially in the West India Islands, without the concurrence of other establishments. Undoubtedly there must be special courts, and magistrates, and officers, to receive complaints, to prosecute, and to punish. There must be a judge conservator of the Negroes in every island, with an advocate and attorney to plead and act for them, appointed by the King, and dependent solely on the Crown, with sufficient salaries, and no way interested in the property or produce of the plantations. Under the principal judge, and by his deputation, there should be itinerant inspectors, with some of the powers of a justice of peace, who should travel occasionally, and not at stated periods, in circuits thro' the Islands, give notice of their arrival at convenient stations, and wait there a sufficient time to receive complaints; in petty instances, to give redress; in graver cases, to institute a more serious proceeding before the superior court. I have another measure in contemplation, materially connected with the general object of relief, for which I am contending, tho' it be not to operate immediately in the Islands. I know that, in the circumstances to which I am compelled to submit, it could not fail of producing many salutary effects; and yet I cannot mention it without a deep sensation of regret. With or without it, the general plan might proceed,

proceed. But, if the plan fails, the measure I allude to is indispensable. I shall submit it to the consideration of the House, as I received it from a gentleman, who possesses a considerable property in Antigua, and with whom I have the happiness to be united by personal friendship as well as by alliance. As it is still permitted to be the will of Parliament, that this infernal trade should continue, let us endeavour to mitigate, if we can, the horrors that belong to it. There ought to be commissioners stationed at the principal places of traffic on the coast of Africa, with salaries sufficient to engage men of character to accept the office, and with legal powers to examine the accommodation in the ships, to superintend and regulate the purchase of Negroes, to act as magistrates of the market, to prevent or put a stop to treacherous or fraudulent transactions, to see that iniquity and injustice are at least conducted fairly, on their own pretended principles, and without unnecessary aggravations. Surely the substance of this traffic is enough of itself to satisfy the most savage or brutal mind. Above all things, it should be the care and duty of such commissioners to prevent the separation of families—not to suffer the wife to be divided from her husband, the sister from the brother, the infant from its mother. The sales in the Islands should be governed by the same rules. A multitude of other duties and offices, with which the commissioners should be charged, will occur upon reflection. That a case should exist, with the consent of an enlightened Government, in which such an institution should be wanted, is shameful, is intolerable. I am sure it is an opprobrium to the name of England. In the treatment of the Negroes in our islands, of all its evils the

most grievous and afflicting remains to be considered. As long as it exists, I know that general institutions, laws, and magistrates, will avail but little in their defence. The arbitrary power of the whip, committed to men without feeling, to be exercised in anger, and unchecked even by the interest of an owner in the well-being of the object, is not in its nature capable of regulation, or subject to controul. To limit the number of stripes, to interpose between the naked helpless wretch,—a pregnant woman perhaps,—and the uplifted hand of the driver, would be an unjust invasion of necessary authority, and possibly in its consequences might hazard the crop. For a mischief of this kind there is no partial remedy. In the place of a despotic power of punishment entrusted to a single person, I would substitute a form of trial, not less effectual to insure the reasonable demand on labour, and equally safe to the only interests, which the planters seem to think of. I would give jurisdiction to the Negroes, in every plantation, over one another. The whole gang of males adult should constitute the pannel, out of which a kind of jury should be formed by lot or by selection, with a right of challenge, on one side to the offender, and on the other to the master, or to his representative, who should superintend and regulate the proceedings, and mitigate or remit the sentence, if he thought proper. Gentlemen, who are fond of justice, may apprehend, perhaps, that a black tribunal would rarely if ever inflict sufficient punishment on a Negro. I, for my part, am confident that, as soon as they understood their office, and were sensible of the trust reposed in them, they would rather lean to severity, and that the overseer would often find himself obliged to restrain

it. On this principle, the discipline of our armies in India is effectually maintained. An Honorable Gentleman * near me can give you better information on this subject. But I know enough of it to be able to assure you that no Sepoy can be punished but by the sentence of a court martial composed of native officers, who have all been taken from the ranks, and with an European officer to act as judge advocate ; and that I never heard the justice of their proceedings disputed. As long as they are tolerably well treated, they are attached to their officers, and will follow them as far as the best British troops. A remarkable instance of this attachment, and of their disposition to do even more than justice on offenders of their own cast, occurred a few years ago. Captain Ewans, an officer generally beloved, at the head of his battalion, was murdered by a Sepoy, who suddenly went out of the ranks and shot him, without notice or complaint, or any provocation that could ever be discovered. The whole battalion saw the fact. The grenadiers on the flanks immediately wheeled without orders, and surrounded the assassin. The difficulty then was to prevent their tying him to a horse's tail, and dragging him to death without a trial. The British officers insisted on his being regularly tried, and executed in the usual military form. I need not, however, have gone so far from the Islands for a successful instance of practice founded on the same principle. I have not the honour of knowing the gentleman, whose example I am going to appeal to ; I mean Sir Philip Gibbs ; but I know his character, and what

* General Smith.

his conduct has been in the management of his estate in Barbadoes. The former is eminently humane; the latter equally judicious. His virtues are to me a proof of his wisdom. He gives his Negroes land and stock, with time to cultivate. He feeds and cloaths them well. He encourages marriage among them, and allows of no punishment but by the sentence of a jury of Negroes. The consequence is that his slaves do double the work of others, because they are better able and more willing. The instructions he has given to the managers of his estate are a model for imitation. The success and the profit have corresponded with the benevolent design. Before I quit this first division of my subject, I owe it in justice to an honorable person, lately a distinguished member of this House, as well as to my cause, not to conceal the lights I have received from him, and to avail myself, as far as I can, of the concurrence of his authority. On a subject of this nature there cannot, in my opinion, be a greater. I mean *Mr. Burke*. Divided, as we are, by an irreconcileable difference of opinion on another important subject, and separated in private life as long as that unfortunate question continues, I still hope and believe that the bond of personal friendship and good-will between us will never be dissolved. As soon as I had determined to take an active part in this busines, I went to *Mr. Burke*, as wiser men have done before me, for advice and information. I know how little I am qualified to occupy his station on any subject, and that I have undertaken a task, which eminently and peculiarly belonged to him. To form and to digest a complete and perfect code of laws, on a subject so extensive and so full of difficulties, would be a work appropriated

propriated to the powers and compass of his mind. *His* industry and perseverance alone could carry it into execution. On a transcendent question, such as this, of morals implicated with policy, the eminence of his mind extends his view, and gives him an horizon, which vulgar vision can reach to. I have not strength to sustain or vigour to wield the armour of Achilles. If Mr. Burke were here,—for his own happiness I cannot wish it,—this would be his office. How gladly would I resign it to him !

Non foret incertus tanti certaminis hæres.

I have not seen the plan which he drew up some years ago, and which he then communicated to a Right Honorable Gentleman, high in office in Ireland;* and since to a Right Honorable Friend on the other side †. Nor would I avail myself now of his permission to see it, because I soon perceived that it went to an extent and embraced a multitude of objects, which I knew it was impossible for *me* to manage. To force them on my mind, without capacity to receive them, would be only to embarrass or utterly to discourage me. Perhaps, too, I might differ from him on the most prudential course of proceeding. You will not suspect me of setting my judgment in competition with his. If it were possible for him to lead the cause himself, I should hold myself ready for any subordinate part in it, and to be guided by his judgment. But, if I am to act, I must act upon my own. I am not tho-

* Mr. Pelham.

† Mr. Windham.

roughly convinced of the advantage of forcing a great variety of institutions to march together and in front. Or possibly it would be more honest to say, that I consult my own infirmity in leaving as much as I can to the gradual operation of those simple principles and limited institutions, which I am more able to comprehend, to arrange with effect, and apply to practice.

The House, Sir, is now in possession of the general object and principles of the plan, which I meant to lay before you. There are some persons undoubtedly, whose hearty concurrence I am not sanguine enough to expect; but I do not believe it possible that any man will directly and openly assert, that such an object, if it were attainable, is not to be desired;—that such a plan, if it were practicable, is not fit to be encouraged. No human resolution will go that length. I know, as well as they do, on what ground they are prepared to meet me, and for what question the strength of their opposition is reserved. Admitting the measure to be eligible in itself, they ask me now by what means do you propose to carry it into execution? What course would you pursue? What power would you employ? I shall not keep these Gentlemen in suspense. My answer, I see, is waited for with an impatience, which indicates the certainty and anticipates the triumph of immediate victory. They exult in the practical difficulties inseparable from every attempt to do good in this world, and which, they trust, are insurmountable in the present instance. Well, Sir, I am ready to gratify their desire, and prepared, as I think, for all the objections that can be rationally urged against me. This part of the question is not new to me. What I know

know of it is derived not only from study and reflection, as deep as I am capable of giving to any subject, but from the wisdom of great men whom I have known, and from the experience of events which have happened in my own time. Tho' too young to take part, I was old enough to observe, and I had access to some of the greatest sources of instruction. How far I may have been able to avail myself of these advantages must be determined by others. The power, which I mean to resort to, for carrying this plan into effect, is that of the British Parliament over the colonies of Great Britain. No man is fairly at issue with me, who does not distinctly deny that power. Is there a statesman in this House, is there an individual of any rank or consideration here, who will take it upon himself, directly and plainly, to maintain that denial, or, in other words, to affirm, that in no case whatever has the British Parliament a right to make laws to bind the British colonies? I cannot believe it. But, if there be, let him come forward and declare himself. On that question, inconsiderable as I am, and bold as it may appear, I am ready to meet him in front, to shew that he knows nothing of the principles of legislation, of the policy of states, or of the duties of government, and to make him, for his ignorance at least, the scorn and contempt of mankind. If he admits that cases may possibly exist, in which the power may be necessary, and the right undisputed, I then shall have nothing to prove, but that this is eminently a case in point, in which the application of the unquestionable power of Parliament must be resorted to, because no other power on earth is equal to the purpose. I am as ready as any man to allow, or to contend, if it were necessary,

necessary, that the transcendent power of Parliament to make laws for every part of the British empire, where it has not been formally relinquished, is not, in prudence, to be used on ordinary occasions, when the subordinate powers of legislation can act with equal effect in their several departments. It is a right reserved for great emergencies. To say that it ought to be so reserved, is to acknowledge that it exists. Without evident necessity, I would neither urge the case nor agitate the right. Occasions vary, and prudence must be consulted. But rights are not given to lie dormant for ever. They have relative duties attached to them. According to the occasion, the right is to be exercised, and the duty to be performed. Necessity alone, if the thing must be done, and if there be no alternative, conveys a right, or stands in the place of it, to act for the general welfare or for the public safety. I shall shew you hereafter how little is to be expected, on this subject, from the power, even if it concurred with the disposition of the colonial assemblies, and that, by *their* means, a real and effective alteration in the condition of the Negroes can never be accomplished. But I have first another argument to maintain, and better ground to stand on. In a former debate, the example of America was held out to deter us from acts, which might alienate the West India Islands, and drive them to look elsewhere for protection, if not to resistance. At that time, nothing was in question but the abolition of the Slave Trade. This night you may be sure of hearing the same argument repeated, or rather of seeing the same weapon uplifted to awe your deliberations. Let the question be what it may, they are equally ready with it. If the

West India Islands would not submit to abolition, how will they endure the interposition of the legislature in any thing that touches their internal government? Such is the language of Englishmen, sitting among us, to the legislative authority of their country. Let us see with what reason they resort to the example of America. I am as ready to appeal to it as they are. I know where that fatal question originated. No part of the argument, which divided this country on the merits of the Stamp Act, or of the events, which followed it, have escaped me. With all those transactions in my view, I declare now, on the principles and in the language of Lord Chatham, that **I REJOICE THAT AMERICA RESISTED.** If this be a concession, these Gentlemen are welcome to it. I do not believe it will avail them. I rejoice that America resisted with success, because it was a triumph of unquestionable right over outrageous wrong, of courage and virtue over tyranny and force;—because the issue of that contest has provided a refuge and left us an asylum, when existence in Europe, perhaps even in England, can no longer be endured. The nations, crushed by taxes for the support of powers that oppress, or of wars that destroy them, have still the consolation of knowing that peace, and freedom, and plenty, are to be found in America, and that there is still a country in the world, where every man enjoys in security the fruits of his industry, and the produce of his labour. Who is there, who can pronounce with certainty that a period is not approaching, when no other refuge may be left us?—On what ground did the Americans first dispute the general legislative authority of the mother country? Did they assert that a

British Parliament had no right to bind or to regulate a British colony by its laws, *in any case whatsoever?* Did they ever maintain a proposition so absurd and so monstrous as that protection gave no claim to obedience, that those duties were not reciprocal; that a nation *sub tutelâ* owed no submission to the tutelary power by which it was protected, that the ward owed nothing to the guardian, the pupil to the tutor, the child to the parent;—that such offices were merely nominal, and gave no right to act even for the benefit of the pretended objects of their care? No, Sir; America had too much wisdom for herself, as well as too hearty an attachment to England, to hold such foolish language, or to maintain such dangerous doctrines. See how she has lately acted to some refractory dependencies of her own. The moment such principles prevail, there is an end of all unity of government in the world. In an extended empire, every distant province may set up for itself. Every one of your islands may be an independent state. If I aimed at their destruction, they should have *my* consent to be so. You would soon see them at your feet with supplication to you to resume your station, and never to relinquish your authority over them. That authority was not disputed by America, until it was extended to purposes unconnected with general regulation, and exercised on principles, which, if once they were admitted, left no security to the Americans for any thing they possessed. The claim, which they resisted, was that of direct taxation by a House of Commons, in which they were not represented. They asserted truly, that taxation and representation were inseparable;—that the right grew from the fact, and could not exist

without

without it. In private life, the guardian regulates the conduct, and even disposes of the property of the pupil, for his maintenance, for his service, or for his education. But it does not follow, that he may take any part of it for his own use or benefit. The first may be a duty; the second would be a robbery. The protecting power has a claim to obedience, not to money. To prevent any further question on this subject, all claim to lay taxes on the colonies was formally renounced in the year 1778. The act of the 18th of his present Majesty, commonly called *Governor Johnstone's* act, " declares and enacts, that the King and Parliament of Great Britain will not impose any duty, " tax, or assessment whatsoever, payable in the colonies, except such duties as it may be expedient to " impose for the regulations of commerce, the nett " produce of such duties to be always paid and applied " to the use of such colonies."—This surrender, on the part of Great Britain, is specific. All the other general rights of the mother country remain unaltered. The concession, by which one particular point is given up, amounts in fact to a re-affirmance of the rest. The question then is, whether the measure I propose, and particularly that part of it, by which the planters would be obliged to allot some portion of their land with a cottage to their Negroes, be or be not an act of taxation. I desire to confine myself to this point at present, because I do not mean to insist that a provision for the salaries and establishments of magistrates, advocates, and commissioners may not properly be the subject of a different consideration. What I am now speaking of is the allotment of a share in the usufruct of the estate to the service and benefit of the estate

itself, and to no other purpose whatsoever. Nothing is taken away from the owner, nothing is applied to the uses of Government. The tenure of the *villan regardant* was in its nature usufructuary, and was never understood to limit or impair the right of the proprietor to the property of the soil. Now I affirm that it is essential to the character and definition of a tax, that the amount shall be taken from the contributor and applied to the service of the Crown or of the public. To appropriate and allot an existing fund, whether in land or money, is not of itself an act of taxation. But if it were so, what pretence have these gentlemen to appeal to the case or to quote the rights, which justified the resistance of America? Is there any resemblance between the two situations? The Americans resisted taxation, because they were not represented in Parliament. The folly and injustice of this country, by persisting in a claim of right, which never could have been effectually exercised, and which at last was relinquished, drove the Americans to the necessity of asserting much more than their original pretensions amounted to. They began with petition and remonstrance;—they appealed to the sword, and established their destined independence long before its natural and inevitable period, before they themselves had foreseen or desired it. In the fullness of time, and in the maturity of their state, separation and independence must have been the lot of America. The Herculean infant would necessarily have burst its cradle, and broken loose from its leading strings. But then the union of the two countries would have continued unimpaired. The mutual relations of kindness and friendship would not have been dissolved.

dissolved. Affection and attachment would have occupied the places of authority and dependence. Between the case of America and that of the West India Islands there is no similarity, nor are the same consequences possible. Is it true, in fact, that the property of the West India Islands is not represented in the House of Commons? Of what sort of persons does that party consist, which, on the subject of the Slave Trade, carries every thing before it in this House? Why, Sir, it is one of their allegations, when it suits their purpose, that the property of the Islands is vested in Great Britain, that is, in the hands of resident owners, mortgagees, merchants, and creditors. They are all on the spot, to represent the interests, and to defend the right of the Islands. *They*, at least, are the subjects of Great Britain. They, at least, may be compelled by the power of Parliament. If they are not your subjects, what are they? The Americans, on the contrary, resided on their own continent, at a distance, which made communication impracticable, and not only without representation, but not even in contact, and much less in sympathy with the power, that pretended to tax them. The progress of their population had no limits. An unbounded territory expanded to receive it. The Islands have their boundary fixed for them by nature. The number of their white inhabitants cannot increase beyond a certain point, and must always be inconsiderable in comparison with the Negroes and people of colour. Of some superior power, of some protecting dominion, the Islands must for ever be the colonies or the dependencies. In the nature of things they never can be independent states. Their Representatives in this House talk boldly of separation, and

even intimate resistance. I would not drive them to that issue. If they can make out their right, I would never put them to a trial of their strength. Their arguments and their power are pretty much upon a footing. They know that, if they were unconnected with us to-morrow, and if it were possible for them to maintain their independence against France and America, the great market for their produce is in the consumption of these kingdoms, and that to this market they must bring it on any terms, which Parliament should think fit to prescribe to them.

I have already intimated, that it is not my intention to propose any thing, that should really trench on the question of taxation, or furnish a pretence to cavil or to quarrel with the general views and purposes of the measure. I need not argue about privileges, which I have no thoughts of invading. If the sums required to pay the salaries and to support the establishments, made necessary by this or any other plan, were to be raised in the Islands by the direct authority of Parliament, the objection would then be in its place, and proper to be considered. That point is not in question, and need not be debated. If the colonial assemblies cannot be prevailed upon, by a recommendation from the Crown, or any other means, to provide for such expences, the charge must be borne by Great Britain, and may easily be assedged upon objects, unquestionably within the disposition of Parliament. I am ready, for my part, to contribute to it, by a perpetual rent-charge on my estate, to a greater amount than can be reasonably stated as the just proportion of any individual.

Waving now, Sir, all farther consideration of the strict right of Parliament to act legislatively for the general benefit of the West India Islands, I know there is another important question to be resolved. Since the different Islands have colonial assemblies or inferior Parliaments of their own, why do I not prefer some course of application to those assemblies, and try whether all the useful purposes of the Bill, which I am endeavouring to recommend to the House of Commons, may not equally be effected thro' that medium? The question is fair, and I shall answer it frankly. In the face of experience, and against all our knowledge and observation of the principles, character, and proceedings of these assemblies, let us suppose for a moment that a general disposition did really prevail among them to impart to their Negroes some share in the natural rights of human creatures, labouring in their service, and a legal security for the possession of them. Within these few years, since questions on this subject have been warmly revived and repeatedly agitated in England, they have had opportunities and incitements enough to indulge their benevolence, and to take the business into their own hands. But neither have they discovered such an inclination, nor do I think it was in their power to have concerted a general plan, or to have pursued it with effect. Partial alterations might possibly have been attempted in the several Islands, without system or connection, according to the accidental temper or prevailing discretion of the different assemblies. Some would have granted less than others. Very little, I believe, would have been yielded by any of them. But, were it otherwise in point of disposition, their number and their distance from each other would have made it impossible for them to deliberate

berate in concert, or finally to concur in a uniform conclusion. The colonies of North America were in contact with each other, and were capable of acting under one direction, for a general object. The Islands have no union of views, no common bond of interest, to engage them to agree in a general resolution; much less have they a union of power to enforce it. So much the more necessary is it, that there should be somewhere a superior indifferent tribunal, and a binding power paramount to them all. No authority, adequate to the purpose, can exist but in Parliament. If one of the provincial legislatures presided with sovereignty over the rest, it might possibly be sufficient to form the plan. The difficulties of the execution would still be insurmountable. But let their capacity be what it may, the principal disqualification lies in their rooted aversion to the measure, and in their contempt of the objects of it. Such is the invariable influence of arbitrary capricious power, to vitiate the human mind;—to make us hate, when we have injured; and despise, when we have degraded. A great deal, it is said, may be expected from the virtue and prudence of the colonial assemblies. Let us try the value of that expectation by the test of experience. To judge of what they will do, let us see what they have done. I place no confidence in professions, unsupported by conduct. I have examined their laws with care and attention. I have read them with patience, with weariness, and disgust. I do assure you, Sir, it is not easy for an English mind to conceive that such a code as this could be the result of debate and deliberation in a senate of any sort. Their utter ignorance of every rational principle of legislation

legislation is only to be paralleled by the unfeeling cruelty that dictates and prevails thro' all their resolutions. I shall not weary the House with details or recitals from this book. My honorable Friend * near me has kindly undertaken that task, if the House should be disposed to call for it. I believe it will be sufficient, if I give you a sample of the principles, on which these assemblies have proceeded. You may take it safely for a specimen of the whole. First of all, let the personal injury done to a Negro, be ever so atrocious, the assemblies have taken special care to make conviction impossible. Suppose that all the Negroes on any plantation should jointly and severally attest that the overseer had *maimed, defaced, mutilated, or cruelly tortured a Negro*, (the common language of these laws) their evidence would avail nothing. The party would be at liberty to purge himself on his oath; that is, they have established impunity by law for crimes, in many cases worse than murder. They talk of conviction perpetually, and of penalties to be attached to it. To deface, to maim, or to mutilate, if by any means the fact can be proved, is to be punished with imprisonment, not exceeding three months, and a fine of a hundred pounds currency, *to be paid into the treasury of the island for the public uses thereof*. But in what form, or by what testimony conviction is to be obtained in this or any other instance against a white man, where there is no white evidence, which must generally be the case, is no where specified. White overseers and drivers will not often bear witness against

* William Smith, Esq.

one another. They have a fellow feeling on this subject, or they can easily take care not to act in company. An act, passed in Dominica in the year 1788, *for the encouragement, protection, and better government of slaves*, I am told, is greatly relied on as a proof of the justice and humanity which prevail in the Islands. This act does certainly admit, that " it is just and proper that the slaves should be protected in their persons from the violence and inhumanity of such white persons and free persons of colour, *who may have no lawful authority over them.*" The admission is important. Observe the date, and then consider what sort and what length of antecedent practice is proved by it. But this act is remedial. I wish it were possible to bring the whole tenor of it into your view. One example will be enough to shew you the spirit that runs thro' it. The 18th clause declares *that the inferior crimes of slaves cannot always be conveniently brought before the cognizance of the magistrates*, and therefore enacts, " that every slave, who shall disobey orders, or who shall be guilty of neglect of duty, or absence from labour, &c. &c. shall be punished *at the discretion* of the owner, renter, manager, or overseer, by confinement or flogging on the bare back, provided the number of lashes does not exceed thirty-nine." Trial and conviction are avowedly out of the question. But if the punisher *shall inflict any punishment not prescribed by this act*,—What then? *He shall be subject to a penalty not exceeding twenty pounds current money of the island*, to be recovered by bill, plaint, or information, in any of his Majesty's courts of record! Who is to complain? Who is to inform?—Suppose he repeats the thirty-nine lashes, after a short interval. That case is

is not provided for. Most of these lawgivers seem to think it reasonable that, if any violent injury be done to the person of a Negro, compensation should be made for it. By an act of St. Vincent's, past in 1767, it is provided that, if any white person shall castrate or dismember any slave (familiar cases) he shall, *upon conviction, and if the prosecution be commenced in one year after the offence, pay double damages and costs to the party grieved.* By the 47th clause, if a slave, in pursuit of a runaway, *shall be only maimed or much hurt, proportionable allowance shall be made by the public.* Now who do you understand to be the party aggrieved, to whom some compensation and allowance ought to be made?—The maimed or mutilated Negro? No, Sir. In the eye of the law, the owner is the only sufferer. He suffers in his property. He loses the labour of his slave. If *He* be reimbursed, the justice of the island is satisfied. By a law of the Bahama Islands, passed in 1784, it is enacted that any person, who shall apprehend a runaway Negro, *dead or alive*, shall be paid twenty pounds. Then comes the trial of the runaway, before two magistrates and three freeholders, who, on conviction shall order execution, unless it shall appear to them that *such slave has received such cruel usage from his or her owner, as to have been the cause of his or her running away.* Observe that the reward is given for taking *dead* as well as *alive*; that is, for shooting a slave, who might have been driven to run away by that *cruel usage*, which, they say, would save him from punishment if he had been taken *alive*. Redress, compensation, or protection to the Negro is never thought of.

In other islands, the proof of innocence, or freedom is always put upon the accused Negro. If he cannot prove affirmatively, that he did not commit the fact, or that he is not a slave, conviction follows of course. The laws of Montserrat take special care of provisions. A Negro, who steals any, *to the amount value of twelve pence*, shall, upon due proof thereof, before the governor and council, *suffer such death as they shall think fit to award!* Again; “ If flesh of any sort shall be found in the house of a Negro, unless he or she can make it plainly appear they came by it honestly, such Negro shall undergo a whipping, and have one of their ears cut off.”

I ask pardon of the House for dwelling so long, on such odious examples of deliberate legislative barbarity. It was necessary, in order to shew you what sort of legislators you are referred to; into what hands you are to delegate your justice and your mercy, and how fit they are to be trusted. To establish the necessity of a direct recourse to the power of Parliament and the injustice of resorting to any other, one general consideration of the subject remains to be stated, and with that I shall conclude. The population of the islands consists of the many, who are black, and of a few who are white. The few legislate for the many, without their consent or knowledge. The Negroes, I take it, are not represented in the assemblies, whose authority, however, would not have been disputed, if it had been exercised with any tolerable regard to justice, reason, or humanity. The nature of the case requires that there should be somewhere a compulsory power over both parties. The highest attribute of Parliament is to compel

pel the guilty and to protect the innocent. The station and the trust are inseparable. Renounce your office, or perform your duty.

With the assistance of a near relation, whose studies I hope will be successful as long as they are directed by generous principles to honourable ends, a bill for the purposes, which I have submitted to the House, is in some degree of forwardness. I am glad I did not foresee the uncommon difficulties that belong to it, and the extent of the labour I was about to undertake. I fear it would have deterred me from attempting to do any thing. Supposing I were at liberty to proceed as I thought fit, my desire would be to have leave to bring in the Bill, to read it once, to have it printed, and to let it lie over till the ensuing session. Even they, who might wish to promote the objects of the bill by other means, would find some advantage, I hope, from having the bill before them. They might take the materials, and make a better use of them. Though I should not have a seat in Parliament, I shall be ready to devote my time and my labour to assist any man, who will undertake to prosecute the measure.

With this act I am content to close my parliamentary life. I set out with a fixed principle, and have adhered to it faithfully, without looking to the right or left for advantages. I am not conscious of having pursued any interest at the expence of any duty. I saw my way, and I knew where it would lead me. For profit or preferment I should have taken another course. For honour and happiness I shall not think that I have lived in vain, if, at the period of my existence,

existence, I should be able to look back, as I do in this place, to a life of unrewarded service, and to end it with an act of benevolence to mankind.

I move you, Sir, that leave be given to bring in a Bill for the better regulation and improvement of the situation of the Negroes and other slaves in the colonies, islands, and plantations in America and the West Indies, belonging to his Majesty, his heirs, and successors.

A P P E N D I X.

No. I.

To PHILIP FRANCIS, Esq.

SIR,

April 9, 1769.

IT affords some satisfaction to the friends of humanity to observe that, notwithstanding the recent rejection of the Bill for abolishing the African Trade, the subject is not yet wholly abandoned; but that, on the contrary, it will be revived in a manner much more likely than heretofore to insure eventual success. The little attention that has been paid to conciliate the good will, or to allay the fears of those, who were most interested in the event, were but too sure indications either that the measure proposed was not intended to be carried, or that the promoters of it, however sincere in their intentions, were strangely ignorant of the means likely to effect their purpose. Is it possible that mankind are yet to learn that the happiness or advantage of any one class of society can never depend on the misery or misfortunes of another? It is by uniting the real interests of different classes of men in one measure, and not by placing them in opposition to each other, that any permanent reform is reasonably to be expected.

In attempting to engage the British Parliament in meliorating the condition of the slaves in the West India Islands, you will, perhaps, incur the displeasure of those, who, in the high language of unbending virtue, disdain to regulate oppression, or compromise with guilt ; but the sedate observer of human nature will see that violent changes in the moral world are not less dangerous than those of the natural, and that although a storm or an earthquake may at times purify the atmosphere, yet that this change is much more desirable when effected by a less violent operation. Human misfortunes and human crimes require human remedies ; and that fastidious delicacy, which cannot bear the loathsomeness of an hospital, or the distresses of a jail, is not likely ever to render any important services to mankind.

From the West India Planters you will probably meet with a more formidable opposition ; and it is not unlikely that they may oppose you in the first stage of the business, by contending that, as each of the islands has a legislative body of its own, they are exclusively competent to judge of such regulations as are necessary for their internal safety and advantage, and that the interference of the British legislature in making laws, which do not affect themselves, but affect a different body of men, with different sentiments, and different interests, is preposterous and unjust.

This objection would certainly be well founded, were all the inhabitants of the West India Islands in such a state of information and equality as to concur in making laws for themselves, and to bring out in result a general

general opinion. But the fact is not so. These islands are inhabited by two bodies of men, the great majority of whom are in a state of slavery to the rest. In claiming therefore the right of making laws for these subordinate classes of society, the planters arrogate to themselves the very privilege, which they contend to be tyrannical and unjust, viz. the right of making laws, by which others are governed without their own consent. Whilst these two classes of men exist, the interference of the British Government is rendered necessary by that very circumstance. Whilst these islands remain a part of the British dominions, it is not only the right but the indispensable duty of that government to watch over the interests of the humblest classes of the community, and not to consign over the happiness and existence of thousands to the passions or the prejudices of those, who, blinded by mistaken ideas of their own interest, and too often depraved by long habits of superiority, are generally the least qualified to judge even where the question relates to their own advantage. The result of the slave carrying bill, the good effects of which are now generally acknowledged, has however afforded one useful lesson to the supporters of African slavery ; and I hope the regulations, which you purpose to introduce, will ere long afford them another.

It may be stated as an incontrovertible maxim, that whenever any portion of the human race are placed in a fair and reasonable situation, and supplied with the necessary articles of life, they will continue to increase their species. Had this not been the fact the human race would long ago have been extinct, nor has it ever

been pretended that the natives of Africa are less prolific than those of any other quarter of the earth. To what cause is it then to be attributed that, after a constant supply for upwards of two centuries, the present Negro inhabitants of the British West Indies bear so small a proportion to the number from time to time actually imported? or whence arises this continual waste of life, which is the foundation of the African Trade? Certainly *because they are not in a fair and reasonable situation*, and have not those advantages, which are necessary to enable them to fulfill even the first law of their existence. To improve that situation—To admit them, if I may use the expression, to the rank of human beings—To give them a station, and a known place in society, however low that place may be, is the immediate object and duty of that government on whom, and on whom only, they have claims for protection. As their numbers increase, as their moral powers improve, they will make further advances in the scale of civilization; their progress will be from slaves to vassals attached to the land, from vassals to husbandmen, and from husbandmen some may, perhaps, rise by their own merits to a higher class, and form a sort of yeomanry of the British plantations. The necessary power for cultivating these plantations will then be obtained on the spot. The example, if advantageous, will be followed by other nations, and the trade for slaves to Africa will be abolished without a struggle, not as unjust, but as unnecessary.

That the parent state, and not the local legislature, is properly charged with the performance of this duty,

is evident from the first measure, which it appears necessary to adopt. The planters, when called upon by the British nation to mitigate the distresses of their slaves, have replied by their able advocate Mr. Bryan Edwards—" It is for you, if sincere, to set us the example, by a repeal of the British statutes, which subjects slaves in the plantations to be taken in execution, and sold for the debts of British creditors, and is the most cruel and oppressive regulation, under which these people groan." The remonstrance is just. This statute is a perpetual bar to the happiness and improvement of the Negro, and till it be repealed, all attempts at further regulations are useless. That a creditor, under the sanction of a British act of Parliament, shall seize upon a body of men, women, and children, as on a herd of cattle; that he shall be empowered, for no crime or misconduct of theirs, to tear them from their habitations, to separate the wife from the husband, the mother from her children, and disperse them to different masters, in different islands, is a reproach to this country, which ought effectually to prevent its upbraiding the planters with severity to their slaves. Even in the most unfavourable situations of society, the common sympathies of human nature will at times be felt, and frequent intercourse may excite, and has excited an attachment between the slave and his master, or between the master and his numerous and dependant family; but what pity can exist in the bosom of a creditor, resident in England, whose only object is the recovery of his money, and who considers the unfortunate victims of his rapacity as the subjects of a legal distress?

The opposition to the repeal of this cruel statute will not arise from the planters, but from those powerful capitalists in Great Britain, who advance them money on stipulations, which often return an enormous rate of interest; but it will not be difficult to shew that such a regulation, whilst it is injurious to the planter, is not favourable to his creditors, and has no better tendency than to excite a contest among them, who shall be the first to tear his property in pieces. When the Negroes are thus carried off the estate to satisfy the demand of a single creditor, what is to become of the mortgagee of the real property, whose security is thereby rendered unproductive? or of the other creditors, who have no resource but in the imprisonment of an insolvent? To deprive a planter of the instruments, by which alone he can extricate himself from his difficulties, merely to gratify an avaricious or resentful creditor, is the height of injustice to the rest. Let the Negroes then be attached to the estate, and disposed of or retained with the inheritance. The planter will thus be enabled to exert himself with confidence, and if he should eventually prove unsuccessful, the sale of his whole property together will be more advantageous to his creditors, than the suffering it to be dismembered by contested claims. By these regulations the planter will be essentially benefited; the Negro will have a fixed residence, will become domesticated and attached to the soil, and the creditors at large will have a security against preferences by a partial transfer, the admission of which is equally impolitic and unjust.

Next to the repeal of this obnoxious statute, it would appear advisable that the situation of the slaves in the different

different islands should be assimilated to each other.— According to the present laws of those islands the Negroes are in some of them considered as real property, descendible to the heir, and in others as personal property which vests in the executors, and are liable to be sold from the estate. That, which has been found advantageous or tolerated in one island, cannot prove injurious to another ; and it may therefore be presumed that no great objection would be made to a regulation, which should declare that the Negroes shall in all cases descend with the estate, and shall not be devisable from it, even by will. Being thus placed on the same level, they would become the equal objects of any regulation, which might hereafter be proposed for their benefit ; which, in their present precarious situation, it is impossible should be the case. This would also prevent any person not possessed of an estate from acquiring a property in a slave, and would put an instant period to the inhuman and increasing custom of purchasing slaves, in order to hire out their labour to those planters, who will pay the highest price.

— Were the foundations thus laid, such further improvements might be introduced as would soon answer the great ends, which I presume you have in view. But considerations of this nature would lead me beyond my limits, and I have scarcely time to dispatch this letter by the post, so as to have a chance of reaching you in London before the discussion takes place. I have, however, taken the liberty of transmitting you a small pamphlet published in the year 1788, at the close of which you will find some hints towards a bill for the gradual abolition of the African Trade, and the final
emanci-

emancipation of the slaves ; and I shall be truly happy if any effort of mine can in the least degree contribute towards so great and desirable an event.

It has justly been observed that arguments, deduced from general principles, are equally valid from whatever quarter they may come ; and this might have been my apology for suppressing my signature ; but I like not an anonymous address, and as I have a full confidence that, in expressing a wish to be unknown to any person but yourself, my purpose will be fully answered, I beg leave to subscribe,

With great respect, &c.

* * * *

St. James's Square,
April 12, 1796.

SIR,

I DID not receive the favour of your letter of the 9th instant, till yesterday about an hour or two before I went down to the House of Commons, with my mind, as you may imagine, tolerably well filled with my subject. I did not venture to read more than three or four pages of it, for a reason, which, at first sight, may appear extraordinary. The first part of this excellent, and in my judgment incomparable performance, suggested to me a very important hint, of which I saw I could avail myself in the course of the debate ; but I was really and seriously afraid to expose myself to that force

force and necessity of taking more, which I was very sure the remainder of your letter would impose upon me. The reason of this fear was founded upon a just and prudent distrust of my own capacity. I dreaded the consequence of receiving more than I might be able to digest, even of food of the best quality. I have now perused the whole of your letter, with the same continued attention which the first lines of it excited, and with perfect satisfaction. It appears to me, and I say it with a grateful sentiment of honest pride, that, if we had concerted our principles, and agreed upon a plan together, it is hardly possible to conceive a more exact concurrence of principles, views, and opinions, than that which exists between your's and mine. With respect to the act of George II. or to that part of it, which you so justly and ably reprobate, it was certainly my intention to have moved, at a proper time, for a repeal of it; that is, if I had been suffered to take the first step of all, without which you must be sensible that I could not have a point to stand upon. I am afraid the case is now desperate. When abolition is proposed, you hear of nothing but a wonderful readiness to accept of regulations, and, with or without a law, to carry them into effect. When regulations are proposed, they have another remedy to resort to. 1. The Parliament of Great Britain have no right to legislate for the West India Islands, particularly if any act of that power should involve the effect of taxation, tho' the produce or the effect should operate solely where it was created, that is, in the Islands themselves, and no way to the benefit of Great Britain. 2. You, who dare to stir such a question at all, are an incendiary and a traitor.

Sir,

Sir, I very much wish that you would leave me at liberty to make what use I may think proper of your letter, under the condition, if you desire it, of carefully concealing your name.

I am, with the sincerest respect and esteem,

Sir,

Your most obedient and

Most obliged humble servant,

PHILIP FRANCIS.

To PHILIP FRANCIS, Esq.

SIR,

April 14, 1796.

I BEG you to accept my grateful thanks for your communication of the debate on your motion, and for your very kind letter, which has relieved me from the apprehension, of which I could not divest myself, of having unseasonably, and perhaps unnecessarily, intruded on your time.

It is in some degree fortunate for those, who have been accustomed to interest themselves in the welfare of their fellow creatures, as well white as black, that they are not, in these times, very susceptible of the pangs of disappointment. The repulses they have met with, on all occasions, have blunted their feelings to that anguish (the keenest, perhaps, of any not derived

rived from conscious criminality) which results from the defeat of a great and disinterested attempt ; and the failure of your motion is only another example of those outrages against truth, justice, and humanity, which have of late so frequently disgraced this age and country. After the miseries, which mankind have recently suffered from the shock of extreme opinions, it might have been expected that he, who should raise the standard of moderation, would not find himself in want of volunteers.

But the case is otherwise ; and, whatever may be the justice of his pretensions, and with whatever candour and perspicuity they may be enforced, he will find that, with a great majority of his hearers, the welfare of others is an object of much less importance than the gratifying their own particular notions. Thus the man, who despairs to stoop to regulate an iniquitous abuse, becomes the accomplice of him, who contends that the abuse ought not to be corrected, and so gets that most important maxim,

— — — *sunt certi denique fines,*
Quos ultra citraque nequit consistere rectum.

There is, however, one great man, who, when the interests of humanity are at stake, is superior to the gratification of a personal feeling ; whose enlightened mind can perceive the wisdom of doing what good is in his power, in the expectation of preparing the way for more, who, if he stoops for a moment from the known dignity of his principles, does it only to rise with a greater effort ; and who, when he cannot promote the

interests of virtue, will at least take care that he is not seduced into the ranks of her enemies. The approbation and support of such a man, and of the few, who have on this occasion followed his example, will to your own mind be a sufficient compensation, and may safely be taken as a decisive proof of the rectitude and necessity of your measures, in opposition to the mixt majority of over-virtuous, and over-vicious, who, by different roads, met in monstrous alliance at the same part of the circle, and equally contributed to overturn a measure calculated to produce the utmost degree of practicable at least, if not of possible good.

I cannot, Sir, conclude without again expressing my thanks for your indulgence to my hasty remarks, of which I am the more sensible, as I perceive, from your address to the House, how little you stood in need of them. I shall not, however, regret the few hours devoted to them, as they have been honoured with an approbation, with which I cannot but be highly gratified, and have afforded me an opportunity of expressing the thorough sense I have of the rectitude and firmness of your public conduct, both on this and former occasions.

I can have no objection to your converting my remarks to any purpose in which they can be in any degree useful; but, as my name can give them no additional weight, I must beg you will permit it to remain unknown.

I am, &c.

No. II. (p. 41.)

Peculium. “ C'est le fonds que celui, qui est en puissance d'autrui, comme un fils de famille, ou un esclave, peut acquérir par sa propre industrie, sans avance ni secours de la part de son pere ou de son maître, mais seulement avec sa permission.

“ FURETIERE.”

Peculium is the property, which he, who is in the power of another, such as a son or a slave, may acquire by his own industry without advances or assistance from the father or the master, but only with their permission,

No. III. (p. 45.)

“ La famine, qui désoloit les campagnes, fut une ressource pour la guerre. Ceux, qui manquaient de pain, se firent soldats. Beaucoup de terres restèrent en friche ; mais on eut une armée.

“ VOLTAIRE, Cap. 21.”

No. IV.

An Act of Barbadoes, passed in 1785, “To prevent
“distempered, maimed, and worn out Negroes, from
“infesting the towns, streets, and highways of this
“Island,”—

Preamble. “Whereas it has for some time past been
the cruel *practice* of some persons possessing Negroes,
who, from their old age and infirmities, are incapable
of further service to their *inhuman* owners, to drive
them from their plantations, to beg, steal, or starve,
which said unhappy objects are daily infesting the
public streets of the several towns in this island,
greatly to the *annoyance and nuisance of the inhabitants*
thereof;

“To prevent such *inhuman practices* for the fu-
ture, so disgraceful and dangerous to the country,
Be it therefore enacted, &c. That the owner or owners
of any distempered, maimed, or worn out Negro, &c.
suffering such distempered Negro, &c. to *infest* the
towns, streets, lanes, public highways, or avenues lead-
ing to the several towns of this island, upon notice or
summons, acquainting the owner with the nuisance
the public sustain thereby; the said owner of such slave,
not removing the same within the space of four days
after receiving such notice shall, on conviction, forfeit
for every offence five pounds; and the magistrate,
before whom such conviction shall be had, shall cause
such distempered, maimed, or worn out slave or slaves

to be immediately removed and conveyed to the owner or owners of such slave or slaves, or to his, her, or their habitation or place of residence, and pay the charges and expences thereof with or out of the said penalty of five pounds, one third of the overplus, if any be of the said sum, to be applied to the use of the constable or person who shall apprehend such distempered, maimed, or worn out slave or slaves, and the other two thirds, to be placed in the PUBLIC TREASURY," &c.

N. B. By the prudent provisions of this act, the nuisance is removed out of the streets, like a dunghill or a carcase; but what becomes of it? The living Negro is *apprehended* as a criminal, and sent back to his cruel and inhuman owner. As to the penalty of five pounds, the constable receives one third; the remainder goes to the treasury; but not one penny to the distempered, maimed, worn out, and starving slave!

The practice, for which this remedy is provided, seems to have been taken from the Spaniards. The way, in which it is mentioned by *Cervantes*, shews that it was common among his countrymen.

“ Lo que suelen hacer los que ahorran y dan libertad à sus Negros, quando ya son viejos, y no pueden servir; y echandoles de casa, *con titulo de libres*, los hacen esclavos de la hambre, de quien no piensan ahorrarse fino con la muerte.”

CERVANTES, 2. 24.

No. V. (p. 60.)

On the 3d of May, 1796, this doctrine, concerning acts of Taxation, was maintained in terms by Mr. Serjeant Adair and Mr. Pitt, on occasion of a bill brought down from the House of Lords, intitled, "A bill for "the further support and maintenance of curates in "the church of England." They contended that it was not a money Bill, against the opinion of Mr. Hufsey and others.

*Extracts of several Acts for the Regulation of
Slaves, passed in the West India Islands.*

By an act of St. Christopher's, passed in 1703, for the better government of Negroes and other slaves, it is enacted, "That if any Negro or other slave oppose, struggle with, or strike any white person, upon complaint made to the next justice of the peace the said Negro or other slave so offending shall be publicly whipped by the constable of that division, or some other person he shall provide to do the same, at the discretion of the said justice; but in case such person be hurt, wounded, bruised, or maimed by such Negro or other slave, then two justices of the peace are hereby authorised and empowered to sentence such Negro or other slave to death, dismembering, or such other punishment as they in their discretion shall think fit!"

By an act of Tortola, passed in 1782, entitled "An Act for the good government of Negro and other slave, &c. If any Negro or other slaves shall absent or withdraw himself or herself from his or her master, owner, renter, or possessor's service, for the term of three months in any one continued space of time, or six months in two years, such offence or crime, shall be adjudged felony, and each and all the offenders shall suffer death, or such other punishment as the justices,

from the circumstances of the case, shall judge proper."

N. B. By the first clause of this act, a power is given to *three* magistrates, or if they cannot agree to *five*, (*two* others being *associated*) to *try and convict* delinquent slaves, without the intervention of a jury, to sentence and punish them *at their discretion*, even unto *death*, and to award *immediate execution*, " *By such slaves as they shall appoint*, and in such manner *as they shall think fit*"

By the 6th clause of the same Act of Tortola, *any person or persons who shall kill any Negro or other slave in pursuit unavoidably*, who has been absent for the term of three months, from his or her master, owner, renter, or possessor's service, is, and are *not only indemnified* to all intents and purposes, but shall receive the following *gratuities*; namely, for every Negro or other slave so unavoidably *killed in pursuit*, the sum of three pounds, and for every Negro or other slave apprehended and taken alive, the sum of six pounds current money, which shall be paid by the treasurer of these islands, upon proof being made before a justice *of the killing or apprehending of the offender or offenders*, and upon certificate thereof under the hand and seal of the magistrate."

By the 24th clause of the same act of Tortola, " *If any slave or slaves shall impudently strike or oppose any white person*, any justice, upon complaint and proof made, shall order a constable to cause such slave or slaves *to be publicly whipped, at his discretion*; and if *resistance*,

resistance, such offending slave or slaves shall have their nose slit, or any member cut off, or be punished with death, at the discretion of the justices, always excepting, that such slave or slaves do not the same by his or her owner or employers' order, or in defence of his or her person or goods.

By an act of St. Christophers, in 1784, entitled, "An act to prevent the cutting off or depriving any slave in this island of any of their limbs or members, or otherwise disabling them," it is provided, that the owner or possessor of any Negro or other slave, or any other person who shall maim or disable any slave, shall forfeit 500^{l.} and be imprisoned six months in the common jail.—It is afterwards enacted, "That in case any Negro or other slave should at any time have his tongue cut out, or disabled, his eye put out, his nose, ear, or lip slit, his nose, ear, or lip, or any limb, or any other member cut off, or any limb or any member broken, in this island, and no person or persons have been convicted of having been guilty of such offence, the Provost Marshall or his lawful deputy is hereby directed to apprehend such Negro or other slave, and confine him, her, or them in the common jail; and in case the owner of such Negro or other slave shall not within sixty days after publication made by the Provost Marshal, or his lawful deputy, in the public newspapers in this island, of his having taken up and confined in the common jail such Negro or other slave, prove upon oath before any magistrate of this island, either by himself or some credible witness, that he did not wilfully cut out or disable the tongue, put out the eye, slit the nose, ear, or lip, or cut

off the nose, ear, or lip, or any limb, or member of any such Negro or other slave, or cause the same to be done, *such Negro or other slave shall be forfeited to the use of the public of this island*, and the Provost Marshall, or his lawful deputy, is hereby directed *to sell such Negro or other slave at public sale*, in the town of Basseterre, in the presence of six white persons, at least, within six days after the expiration of the term herein-before allowed to the owners *to make oath as aforesaid of their innocence*, and the said Provost Marshal, or his lawful deputy, is hereby directed *to pay all such monies as such Negro or other slave shall have been sold for, into the public treasury of this island*, after deducting the charges and expences attending the apprehending, confining, and selling such Negro or other slave as aforesaid; and the sale of the said Provost Marshal, or his lawful deputy, shall give a good title to any purchaser of such Negro or other slave.

By an act passed at Montserrat in 1693, intitled "An act to restrain the insolence of slaves," &c. it is enacted, "That henceforward, where any Negro shall be taken stealing or carrying away stock, cattle, or provision, amounting to the value of twelve pence, such Negro or Negroes taken therein shall, upon due proof thereof before the governor and council, suffer such death as they think fit to award; and when any Negro shall have any theft proved against him, and the value not amounting to twelve pence, that then such Negro shall only suffer a severe whipping, and have both his ears cut off for the first time; but for the second offence in the like nature shall suffer death in the form aforesaid, the public paying

paying the owner for every Negro put to death, the sum of 3500 lb. of Muscovado sugar."*

The introductory part of a subsequent clause of the 7th of this same act states, that " Whereas some masters, &c. are so careless as not to put in a competency of provisions for their slaves, whereby they are often forced to run away, or at least to commit thefts and robberies upon their neighbours, " Be it further, &c.

By the 8th clause of the same act of Montserrat, it is enacted, " That where two slaves shall fall out and fight, and one maim or kill the other, it shall lie at the person's discretion whose Negro shall be either maimed or killed, whether, for the first offence, the Negro who committed the same, shall suffer whipping, or for the latter death, or to receive such satisfaction of the owner of such Negro as the governor and his council shall adjudge sufficient.

By the 10th clause of the same act, it is enacted, " That where any white shall take a slave, and bring

* N. B. This part of the clause is repealed by a subsequent act of 1714, on the ground that masters and owners of delinquent Negroes, not thinking the value of 3500 lb. of sugar an adequate compensation for the loss of a slave, frequently concealed and screened them from public justice; which enacts, in lieu of that provision, that thenceforward the owner of every Negro, suffering death according to the provisions of the former act, shall receive in money or sugar, the full value of such slave at the time of sentence passed, ascertained by appraisement. See Ib. p. 90.

him in *dead or alive, if alive,* shall have paid him by the owner of such Negro or slave, the sum of five hundred pounds of Muscovado sugar; *where dead,* the same sum out of the public stock of this island; and where any slave shall take a runaway, such Negro slave shall have three hundred pounds of sugar, either by the owner or public aforesaid."

By the 2d clause in the same act of Montserrat, it is enacted, " That it shall and may be lawful for any person to shoot at, and, if possible, to kill any Negro he shall find digging out, drawing, or stealing his provision, provided such provision be not within forty foot of the common path, and the party so killing the Negro hath not, in the hearing of others, expressed either hatred or malice against the owner of such Negro, for in either cases the owner of such shall recover damages to the full value of any who shall so kill their Negro."

By the 6th clause of the same act, all commission officers within this island are hereby empowered and required, upon notice by any one to them given of any number of Negroes got together, and the place where, immediately upon the same to raise a sufficient number of men, and with them to pursue, apprehend, and take such Negroes, either alive or dead; and whatsoever commissioned officer shall neglect, or other person refuse to be aiding and assisting herein, shall forfeit the sum of two thousand pounds of sugar.

By an act of the Bahama islands, passed in 1784, entitled, "an act for governing Negroes," &c. reciting, that " Whereas many heinous and grievous crimes, such

such as murder, &c. are many times committed by Negro, Mulatto, Mustees, or Indian slaves, or are many times maliciously attempted by them to be committed, in which, though by divers accidents *they are prevented*, yet are their crimes nevertheless heinous, and therefore deserve punishment. And whereas Negro, Mulatto, Mustee, and Indian slaves, do many times steal, wilfully maim, kill, and destroy horses, cattle, sheep, or other things, of the value of six shillings or above, or are necessary to the committing of such crimes as are beforementioned, which several offenders, for danger of escape, ought not long to be imprisoned, and deserve not, for the baseness of their condition, to be tried by the established laws of England, nor is execution to be delayed in case of their committing such horrid crimes: Be it enacted by the governor, council, and assembly, "That if, after the publication hereof, any Negro, Mulatto, Mustee, or Indian slave, shall be accused of having committed, or having attempted to commit, any of the crimes before mentioned, upon complaint thereof being made to any justice of the peace, the said justice shall issue out his warrant for the apprehending the offender, and for all persons to come before him that can give evidence (and the evidence of one slave against another, in this and all other cases, shall be deemed good and sufficient proof) and if upon examination it probably appears, that the apprehended slave is guilty, he shall commit him or her to prison, and certify to any other justice the cause, and require him by virtue of this act to associate himself to him, which justice is hereby required to do, &c. they so associated shall issue out their warrant to summon three freeholders or housekeepers, setting forth to them the matter,

ter, &c. requiring them to be at a certain day, and hour, &c. at such place as the said justices shall appoint for such trial, at which time and place the said justices and freeholders or housekeepers shall cause the said offender and evidence to come before them, and if they, on hearing of the matter (the said freeholders or housekeepers being by the justices first sworn to judge uprightly and according to evidence, which oath the said justices are hereby empowered and required to administer) shall judge the criminal guilty of the offence complained of, they, or the major part of them, of whom one to be a justice, shall give sentence of death, or order such other punishment as they in their judgment shall think meet, &c.

By the 2d clause of the Bahama act of 1784, it is enacted, "That if any *Negro, Mulatto, Muskee, or Indian* shall assault a white person with a dangerous weapon, whereby the life of the person so assaulted may be greatly endangered, or make any assault of a VIOLENT nature, except a slave, and in defence of his or her owner's or employer's person or property, he or she shall suffer death; and if any *Negro, &c.* be otherwise abusive to any white person, he or she shall be punished by the direction of one justice of the peace, or by fine, not exceeding 15l. or by corporal punishment."

By the 18th clause, it is enacted, "That any slave who may be now run away, and shall not, within one month after the publication of this act, return to his or her owner, or any slave that shall, after the publication hereof, absent him or herself from his or her owner for the space of three months successively, such slave shall be deemed an outlaw; and as an encouragement

to apprehend and bring to justice such runaways, any person or persons, who shall apprehend any such runaway, either DEAD or alive, shall be paid out of the public treasury twenty pounds for every slave so apprehended and taken ; and any such slave taken alive shall be delivered by the person apprehending him or her into the hands of the provost marshal of these islands, who is hereby ordered and directed to put every such runaway slave INTO IRONS, and forthwith to make his report thereof to some justice of the peace, who, with the assistance of another magistrate and three freeholders, shall proceed to trial, and on conviction shall order execution of every such runaway slave, unless it shall appear to them that such slave has received such cruel usage from his or her owners as to have been the cause of his or her running away, then in such case the said magistrates and freeholders or housekeepers shall sentence such offender to be transported off these islands. Provided always, and it is hereby further enacted, that every owner shall, within fourteen days after the running away of his or her slave, give notice thereof by advertisements, to be affixed at the usual public places, which shall be proved by oath of one credible witness, wherein shall be inserted the name and description of such runaway, by means whereof he or she may be the more easily apprehended ; and in case the owner as aforesaid shall neglect so to do, he or she shall not receive any satisfaction from the public treasury for such slave as shall be so killed or executed.

By the 4th clause of the same act it is enacted,
 " That all such Negroes, Mulattoes, Mustees, and Indians, as have been slaves, and are now free, shall, for all offences, capital or criminal, be tried and adjudged after

after the manner and method as before directed (a) for the trial and adjudging of slaves, and the evidence of a slave against them shall be good and valid to all intents and purposes; any law, usage, or custom, to the contrary notwithstanding."

By the 21st clause of the same act, it is enacted, " That if any person shall, *by accident, kill* any Negro or other slave, he or she shall not be liable to *any punishment* therefore, but the *owner's* action at law for the *value* of the Negro or other slave so killed; and if *any person* (b) shall wilfully kill any Negro or other slave, he or she shall *be tried* (c), and if found guilty shall suffer for the same *according to the laws of England*, forfeiture of goods and chattels, lands and tenements, only excepted."

By the 22d clause, it is enacted, " That the *oath* of Negroes, Mulattoes, Mustees, or Indians, shall *not be good or valid in law* against any *white* person, excepting in matters of debt, and then any *free* Negro, Mulatto, Mustee, or Indian Christian, shall be allowed to prove his or her account, and sue for the same in any court in these islands, where the same shall be cognizable." See clause 4.

(a) See 1st clause of the act (p. 41 of the Collection.)

(b) i. e. not a slave.

(c) i. e. by his peers. Slaves are not so, nor is their evidence good against him. See subsequent clause and clause 4.

By an act of Dominica, passed in 1773, intitled, "An Act for *suppressing* Runaway Slaves, and for the better Government of Slaves, &c." it is enacted, "That if any slave or slaves, who hath or have been upon or shall hereafter be upon this island for the space of one year, shall absent or withdraw, or *being now run away, absent, or withdrawn*, from his, her, or their owner, renter, or employer's service, shall continue so absent or withdrawn for the space of three months from the publication of this act, or from the time such slave or slaves shall first absent, withdraw, or run away hereafter, or if any slave or slaves having been or that shall be on this island for the space of one year, shall absent or withdraw, or run away from his, her, or their owner, renter, or employer's service, at several times within the space of two years, amounting in all to six months, all and every such slave or slaves shall be, and is, and are hereby adjudged *guilty of felony, and shall suffer death* as a felon or felons, or *such other punishment as the justices*, from the circumstances of the case, *shall judge proper*; and, if convicted of felony, shall suffer the pains of death, by virtue of a warrant from any two justices of the peace of this island; and the provost marshal of this island, or his lawful deputy, is hereby required to execute, or cause to be executed, in any part of the island, all slave or slaves whatsoever condemned to death, and shall bury, or cause to be buried, such slave or slaves so executed; and it shall and may be lawful for the provost marshal to have and receive as a fee, for each slave executed and buried, the sum of six pounds twelve shillings current money, and no more, to be paid out of the public treasury of this island."

By the 17th clause of the same act of Dominica, it is enacted, “ That any slave or slaves who *shall presume* wilfully to strike, or *attempt to strike* any white person, under any pretence whatsoever, unless in the lawful, immediate and necessary defence of his, her, or their owner, *renter, manager, or employer's person* (a), shall *suffer* (b) death or lose his, her, or their right hand, at the discretion of two justices of the peace ; and in like manner shall any slave or slaves be *punished* that shall be guilty of *murder, or grossly insulting* or attempting to strike his or her owner, &c. &c.

Provided always, that any slave or slaves, who shall break open any house, &c. or rob, or *attempt* to rob on the highway, shall *suffer death* as a felon, or such other punishment as the justice or justices shall direct.

By the 25th clause of the same act of Dominica, it is enacted, “ That if any person or persons shall wilfully kill any slave or slaves, and be thereof convicted, he, she, or they *shall forfeit* to his Majesty, his heirs and successors, any sum not exceeding three hundred pounds, nor less than one hundred pounds current, for every such slave so wilfully killed, to be paid into the public treasury of this island for the public uses thereof, and also suffer twelve months *close imprisonment*, without bail or mainprize ; and if the slave or slaves so wilfully killed

(a) See the 23d clause which justifies a slave in maiming or wounding another slave in his own defence ; but a slave must not forcibly resist a white man, however unjustly or outrageously he may be assaulted.

(b) See a similar provision in an act of Jamaica, passed A. D. 1788. (p. 124 of the Collection.)

as aforesaid, belonging to any other person or persons than the murderer or murderers, the value of such slave or slaves *shall be paid* by the murderer or murderers to the owner or owners, renter or renters of such slave or slaves, to be levied on his, her, or their effects, by warrant of court, immediately upon conviction; but if such murderer or murderers have not effects sufficient to pay the value of such slave or slaves *so murdered* as aforesaid, then the deficiency shall be made good to the owner or owners, renter or renters of the slave or slaves murdered out of the public treasury of this island, &c. &c.

By the 28th clause, it is enacted, "That any *justice* of the peace may and is hereby empowered to grant a *permission*, for such limited time as he *in his discretion* shall think fit, to any white or other free person or persons as shall voluntarily offer him or themselves, together with a sufficient number of trusty slaves, by and with the consent of their owner, &c. to *hunt the woods* and other lurking places in this island, and there *pursue, take, and secure* all such slave or slaves as *shall appear to them, or the, may have reason to suspect* are *runaways*, and it shall and may be *lawful* for such white or free persons to use and employ *muskets, cutlasses, and other weapons* in *hunting* such woods, &c. and to *fire upon, kill or wound* any slave or slaves *appearing to them to be run away*, who shall resist or refuse to surrender, being first required so to do." Further provides, that the *owner* of such runaway slaves, *so killed, &c.* shall not have any compensation therefore. "And the person or persons *so killing*, as aforesaid, is and are hereby *indemnified of and from any fine, forfeiture or punishment*

ment for so doing ; unless it can be made appear that such slave or slaves so killed or wounded, was or were known to the person or persons so killing and wounding *not to be run away*, or that such killing and wounding was wantonly done, and that there was *no resistance* (a), refusal to surrender, or *cause whatsoever* to render such killing or wounding *necessary*, &c."

By an act of St. Vincent, passed in 1767, entitled, "An act for making slaves real estate, and the better government of slaves and free Negroes," (b) it is enacted, that persons seized of any slaves for their own or others lives, who shall send them off the island or dispose of them, shall pay treble their value *to those in reversion or remainder*, &c. to be recovered by action ; " and if any such tenant for life, &c. so holding any Negro or other slaves, *shall wilfully destroy, maim, or disable any Negro or other slaves so held*, such person so destroying, &c. *shall pay treble the value of such Negro destroyed, &c. to the person or persons in reversion, &c.*

By the 14th clause, it is provided, that the provost marshal shall receive and keep in his custody all runaway slaves taken and brought to him.

(a) In either of such cases then the inference is that the *owner* of the slave killed or wounded would be intitled to recover a compensation from the party killing or wounding ; but the party really injured, the hunted, persecuted, wounded, destroyed slave is in no better plight. His fate is, *at all events*, matter of perfect indifference to these humane legislators. They do not condescend even to notice whether these circumstances vary at all in the nature and quality of the wrong *he* has suffered.

(b) The first clause declares *slaves* to be *real estate*, and widows *dowable* thereof.

By the 15th clause, it is enacted, " That in case any such slave *shall perish in his custody for want*, he shall forfeit 50l.

By the 31st clause of the same act of St. Vincent, it is enacted, " That if any slave *shall impudently strike or oppose* any white person, any justice, upon complaint and *proof* made, shall order a constable to cause such slave to be publicly *whipped at his discretion*; and if such white person be *any way hurt*, wounded or disfigured by *any slave's resistance*, such offending slave shall have *his nose slit*, or *any member cut off*, or be punished *with death*, at the discretion of any two justices, always *excepting*, that the slave do not the same by his or her owner's or master's orders, or in defence of *his or her owner or master's person or goods*; and it shall be lawful for all persons to take away from any slave or slaves any hurtful clubs, or other other mischievous weapons whatsoever, unless such slave or slaves is or were intrusted with such weapons for the defence of *his or their owner's goods or person*."

By the 43d clause of the same act of St. Vincent, of 1767, reciting that, " Whereas some masters and owners of slaves in this island *do not provide sufficiently for their slaves*, or allow them time to plant and provide for themselves, contrary to law, and *yet* the safety of this island requires that *such slaves should suffer*! or otherwise they *would commit the greatest outrages*, and their masters and owners be encouraged in their neglect at the public charge; be it therefore enacted by the authority aforesaid, that the justices at the same time of trying any slave accused of robbery *shall inquire*,
by

by witnesses examined on their oaths, how the owner or owners of such slaves was provided with provisions and other necessaries, and what allowance such slave received; and if it shall appear to the said justices, that the master or owner had not provided sufficiently for such slave, and that necessity might have compelled the slave to the offence committed by him, the said justice shall certify* the same to the treasurer, and direct the treasurer to pay the damage done by such slave to the party injured (so as such damage does not exceed the value of such slave, as in that case the value only of such slave shall be paid for the damages) but nothing to the owner."

By an act of Grenada, passed in 1788, entitled, "An act for the more effectual trial and punishment of criminal slaves," it is provided that, upon complaint made to any justice of the peace of any heinous and grievous crime, or felonious act committed by slaves, the justice shall issue his warrant for apprehending the offenders, and shall summon *all persons or slaves that can give evidence therein*, to appear before him; and if upon examination it appeareth probable that the apprehended is guilty, he shall forthwith commit him to prison, and within ten days certify to the two next justices (one to be of the quorum) the cause, and to require them to associate themselves with him, and they, so associated, are to

* But the slave is equally convicted of, and executed for the robbery.

try* the offender within ten days, at *such place as they shall appoint*, and cause the offender and evidences to come before them; " And if the said justices (one whereof being of the *quorum*) upon hearing the matter, shall adjudge the criminal or criminals guilty of the offence complained of, the said justices *shall give sentence of death, or such other punishment as the crime deserveth*, and forthwith, by their warrant, cause *immediate execution*, in capital cases, to be done by such slave or slaves as the Provost Marshal, or his lawful deputy shall appoint and in other cases by such slave or slaves, as the clerk of the nearest market shall appoint, *in such manner as such justices shall think fit.*"

By the 2d clause of the same act reciting, " That whereas it must tend greatly to the public peace and tranquillity, if the *executive* part of the law be rendered *more prompt and summary*, where the offences are not of a felonious nature, and triable before three justices, as hereinbefore mentioned, it is enacted, That if any slave or slaves shall personally *insult abuse, threaten or in any manner contemptuously treat* any white or free person, &c. or be found gaming, *beating drums, blowing shells, or other loud instruments*, at *improper hours*, or fighting, &c. such slave or slaves shall be punishable for any such offence, *at the discretion of any one justice of the peace, who is hereby authorised and empowered, to take cognizance of the same, and to inflict such punishment as he shall judge adequate to the offence.*"

* *Themselves, without the intervention of a jury.*

By a clause in an act of Jamaica, passed in 1788, The practice of a sort of witchcraft, called *obeah*, by slaves, is made punishable *with death*, or other arbitrary sentence in the discretion of the court.

By another in the same act, The *running away* from their master, &c. and the going off, or *conspiring or attempting* to go off the island, subjects them to the same punishment.

In the year 1736, the legislature of Montserrat having discovered, by fatal experience, that the kindness and lenity exhibited to the Negroes in all their former acts of assembly, had done more harm than good, found themselves at last obliged to resort to vigorous measures. They begin with saying, that, “ Whereas it “ appears that the laws, now in force, relating to Ne-“ groes and slaves are not extensive enough to restrain “ them, and that *lenity* and *indulgence*, instead of pro-“ ducing the desired effects, have rather given encou-“ ragement to robberies and disorders, by furnishing “ pretences, whereby the offenders often escape punish-“ ment,” &c.

This act, among other things, forbids all Negroes from planting, or exposing to sale, any indigo, cotton, ginger, coffee, or cocoa; and also to carry or sell *any provisions or other goods* (which hitherto they had been suffered to do on the Lord’s Day); and then it is enacted, that, “ It shall and may be lawful for *any person or persons*, to take the said provisions, or other “ goods

“ goods from any such slave or slaves, and convert
“ them to their own proper use; and the person is
“ hereby further impowered to give such slave or slaves
“ a moderate whipping,” &c.

Vide page 91, of a Collection of West India Acts,
which the House of Commons ordered to be printed,
the 1st of May 1789, and from which all the preceding
Extracts are literally taken.

F I N I S.



